

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Extraordinary Session

OF THE

Twenty-third Legislative Assembly

**Held at Helena, the Seat of Government,
Commencing November 27, 1933 and
Concluding January 19, 1934**

PUBLISHED BY AUTHORITY

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CERTIFICATE OF AUTHENTICATION

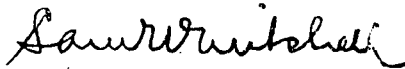
State of Montana
Department of
Secretary of State

} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials, contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Twenty-third Extraordinary Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said State, commencing November 27, 1933, and concluding January 19, 1934.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Great Seal of the State
of Montana, at Helena, the Seat of Government,
this fifteenth day of February, A. D. 1934.

The Great Seal
of the State
of Montana.



Secretary of State.

OFFICERS AND MEMBERS

OF THE

Twenty-third Extraordinary Legislative Assembly of the State of Montana

Governor, F. H. COONEY

ROBERT PAULINE, President of the Senate Pro Tem
Speaker of the House, DENNIS A. DELLWO

STATE SENATORS

NAME	Residence	County	Politics
*Angvick, Lars	Reserve	Sheridan	Republican
Armstrong, Bert B.	Livingston	Park	Democrat
*Burr, Geo. A.	Winnett	Petroleum	Democrat
*Campbell, John L.	Missoula	Missoula	Republican
Carey, Emmett	Glendive	Dawson	Republican
Carroll, L. Ray	Roundup	Musselshell	Republican
Church, W. R.	Helena	Lewis & Clark	Democrat
†Clarke, Walter E.	Forsyth	Rosebud	Republican
Clifford, Frank H.	Havre	Hill	Democrat
Coburn, John W.	Cut Bank	Glacier	Republican
*Cooper, George R.	DeBorgia	Mineral	Republican
*Corwin, John W.	Park City	Stillwater	Republican
Danielsen, T. P.	Poplar	Roosevelt	Democrat
Delaney, F. W.	Terry	Prairie	Democrat
*Donovan, L. P.	Shelby	Toole	Democrat
Duncan, M. M.	Virginia City	Madison	Democrat
*Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
*Ekegren, E. P.	Harlem	Blaine	Republican
*Galt, Errol F.	Geyser	Judith Basin	Republican
Garber, John D.	Plains	Sanders	Democrat
Harris, Orville	White Sul. Sprgs.	Meagher	Republican
Hennessy, W. B.	Conrad	Pondera	Democrat
*Himsel, V. S.	Plevna	Fallon	Republican
Holt, Elmer	Miles City	Custer	Democrat
Holton, Albert	Cohagen	Garfield	Republican
*Husband, W. C.	Harlowton	Wheatland	Republican
*Jergensen, James A.	Whitehall	Jefferson	Republican
Kalberg, F. S.	Circle	McCone	Republican
*Kane, Tom	Corvallis	Ravalli	Republican
*Kaulbach, J.	Fort Benton	Chouteau	Republican
Keeley, W. E.	Deer Lodge	Powell	Republican
Kelsey, Frank F.	Moorhead	Powder River	Republican
*Kemmis, W. L.	Sidney	Richland	Republican
Kilduff, J. F.	Malta	Phillips	Democrat
Lamp, F. M.	Big Timber	Sweet Grass	Republican
*Larson, T. O.	Choteau	Teton	Republican
MacGillvra, E. E.	Polson	Lake	Republican
Melton, George M.	Dillon	Beaverhead	Democrat
Murphy, Thos. F.	Anaconda	Deer Lodge	Democrat
*Page, John R.	Phillipsburg	Granite	Democrat
Parkin, E. J.	Bozeman	Gallatin	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
Plank, Leonard	Chester	Liberty	Democrat
Plumer, A. J.	Hysham	Treasure	Democrat
*Putnam, J. A.	Hardin	Big Horn	Democrat
Reed, Grant	Townsend	Broadwater	Republican
*Rowland, M. D.	Libby	Lincoln	Republican
*Ruffcorn, William	Glasgow	Valley	Republican
Simmons, H. A.	Red Lodge	Carbon	Republican
Sparling, J. T.	Flaxville	Daniels	Democrat
*Staggis, W. L.	Wibaux	Wibaux	Republican
Thien, Henry	Ryegate	Golden Valley	Independent
*Walker, Thomas J.	Butte	Silver Bow	Democrat
†Wass, L. M. A.	Roy	Fergus	Democrat
*Wheeler, Leon L.	Ekalaka	Carter	Republican
*Willis, S. A.	Great Falls	Cascade	Democrat

*Holdover. Elected in 1930.

†Elected to fill unexpired term of E. E. Fenton, resigned.

‡Elected to fill unexpired term of Sam W. Teagarden, deceased.

C. J. McALLISTER, Secretary.

House of Representatives

NAME	Residence	County	Politics
Abrahamson, John C.	Roberts	Carbon	Democrat
Acher, John W.	Zurich	Blaine	Democrat
Anderson, Eric	Regina	Phillips	Republican
Annin, J. T.	Columbus	Stillwater	Republican
Arnold, John	Birney	Rosebud	Democrat
Balgord, O. P.	Lavina	Golden Valley	Republican
Ballard, Jack	Carlyle	Wibaux	Democrat
Beadle, M. Kerr	Butte	Silver Bow	Democrat
Besancon, Albert	Missoula	Missoula	Democrat
Bjorneby, E. G.	Kalispell	Flathead	Democrat
Blankenbaker, V. F.	Virgelle	Chouteau	Democrat
Breitenstein, A. J.	Havre	Hill	Democrat
Byrne, E. J.	Galata	Toole	Democrat
Campbell, Ray C.	Great Falls	Cascade	Democrat
Chapman, D. W.	Peerless	Daniels	Democrat
Conner, J. B.	Farmington	Teton	Democrat
Cusker, Dolly	Poplar	Roosevelt	Democrat
Daugherty, Dennis E.	Baker	Fallon	Democrat
Dellw, D. A.	Charlo	Lake	Democrat
Doe, Everett	Phillipsburg	Granite	Democrat
Doran, Tod	Butte	Silver Bow	Democrat
Duffy, James L.	Havre	Hill	Democrat
Ecton, Zales	Manhattan	Gallatin	Republican
Ferry, John F.	Butte	Silver Bow	Democrat
Findlater, R. P.	Miles City	Custer	Republican
Fitzstephens, Joseph	Belgrade	Gallatin	Democrat
Fowler, C. W.	Billings	Yellowstone	Republican
Freed, Eldon	Winnett	Petroleum	Democrat
Freudenstein, Lou	Butte	Silver Bow	Democrat
Givens, Frank G.	Great Falls	Cascade	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Grabow, Edward E.	Livingston	Park	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
Greene, Merle C.	Lewistown	Fergus	Democrat
Hagerty, Dave J.	Miles City	Custer	Democrat
Haight, Herbert	Suffolk	Fergus	Democrat
Harlen, Harry C.	Chinook	Blaine	Democrat
Harrington, Jerry J.	Butte	Silver Bow	Democrat
Hilger, Peter	Helena	Lewis & Clark	Democrat
Holecck, J. F.	Lewistown	Fergus	Democrat
Jensen, Walter H.	Great Falls	Cascade	Democrat
Knowles, S. H.	Boulder	Jefferson	Republican
Kruse, Albert H.	Brusett	Garfield	Republican
Kuhl, Herman E.	Luther	Carbon	Democrat
Larsen, Leonard E.	Anaconda	Deer Lodge	Democrat
Lewis, David J.	Sioux Pass	Richland	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Lott, Mortimer J.	Twin Bridges	Madison	Republican
Love, J. B.	Glendive	Dawson	Democrat
McCarvel, Thos. F.	Anaconda	Deer Lodge	Democrat
McDermott, Peter	Butte	Silver Bow	Democrat
McElwain, L. C.	Deer Lodge	Powell	Republican
Manning, D. M.	Hysham	Treasure	Democrat
Marshall, M. R.	Missoula	Missoula	Republican
Mason, George P.	Helena	Lewis & Clark	Democrat
Metlen, Joe	Armstead	Beaverhead	Democrat
Miles, Ben B.	McLeod	Sweet Grass	Republican
Miller, Robt. J.	Lodge Grass	Big Horn	Democrat
Miller, Timothy	Libby	Lincoln	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
Nass, J. N.	Glasgow	Valley	Democrat
Nelstead, T. E.	Ekalaka	Carter	Republican
Nutting, L. A.	Laurel	Yellowstone	Democrat
O'Connell, Jerry J.	Butte	Silver Bow	Democrat
O'Shea, Jas.	Roberts	Carbon	Democrat
Parker, Neil C.	Creston	Flathead	Republican
Parker, W. K.	Radersburg	Broadwater	Democrat
Pearson, Geo. W.	Billings	Yellowstone	Democrat
Pilgram, Wm. P.	Armington	Cascade	Democrat
Porter, A. T.	Stevensville	Ravalli	Democrat
Quamme, T. N.	Brady	Pondera	Republican
Ragen, D. J.	East Helena	Lewis & Clark	Democrat
Ralston, Harry M.	Glacier Park	Glacier	Democrat
Reardon, John D.	Great Falls	Cascade	Democrat
Reardon, Ray	Anaconda	Deer Lodge	Democrat
Replogle, Bert	Lewistown	Fergus	Democrat
Rognlien, I. D.	Kalispell	Flathead	Democrat
Roll, Fritz	Great Falls	Cascade	Republican
Rolph, H. D.	Joplin	Liberty	Democrat

HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
*Sadring, John E.....	Roundup.....	Musselshell.....	Republican
Schuster, Andrew L.	Avondale.....	Valley.....	Democrat
Setzer, G. W.	Malta.....	Phillips.....	Republican
Shannon, Ray N.	Thompson Falls.....	Sanders.....	Democrat
Snidow, T. A.	Billings.....	Yellowstone.....	Democrat
Somerville, Thomas	Wilsall.....	Park.....	Democrat
Spangler, R. W.	Superior.....	Mineral.....	Democrat
Sparling, Harry	Medicine Lake.....	Sheridan.....	Republican
Stephens, Guy C.	Circle.....	McCone.....	Democrat
Stevens, I. Thayer	Harlowton.....	Wheatland.....	Republican
Stiefel, E. A.	Belgrade.....	Gallatin.....	Democrat
Strange, G. B.	Stevensville.....	Ravalli.....	Republican
Sullivan, Dan W.	Butte.....	Silver Bow.....	Democrat
Trenne, M. P.	Poplar.....	Roosevelt.....	Republican
Ueland, Andrew	Outlook.....	Sheridan.....	Republican
Waite, W. T.	Broadus.....	Powder River.....	Republican
Watson, Arthur H.	White Sul. Sprgs....	Meagher.....	Republican
Watson, Fred	Missoula.....	Missoula.....	Republican
Whaley, James	Fallon.....	Prairie.....	Democrat
White, B. C.	Buffalo.....	Judith Basin.....	Democrat
Wigal, E. E.	Missoula.....	Missoula.....	Democrat
Woodcock, J. W.	Fort Benton.....	Chouteau.....	Democrat

*Not seated.

JOHN J. JEWELL, Chief Clerk.

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BY THE GOVERNOR OF THE STATE OF MONTANA

A PROCLAMATION

WHEREAS, Section 11 of Article VII of the Constitution of the State of Montana provides that the Governor may on extraordinary occasions convene the Legislative Assembly; and

WHEREAS, The nation-wide economic depression has created a serious emergency in this state, due to widespread unemployment and consequent indigence and dependence of a large portion of the people of the state; and

WHEREAS, Great distress exists within the State of Montana, and many citizens are in want for the necessities of life, and many are without employment, without means of support and unable to care for themselves and their families; and

WHEREAS, The Congress of the United States has enacted certain legislation which authorizes the giving of assistance to citizens of the State of Montana in case the state shall provide in part for such relief, and has enacted a law commonly known as the "National Industrial Recovery Act", which permits the advance of Federal funds for the construction of public works in the several states; and

WHEREAS, It is necessary that the Legislative Assembly of this state enact legislation whereby the state and its subdivisions and the citizens thereof may avail themselves of the benefits of such legislation; and

WHEREAS, Other emergencies and requirements have arisen since the adjournment of the regular session of the Twenty-third Legislative Assembly; and

WHEREAS, In the opinion of the Governor it is imperative that legislation be enacted immediately to relieve the needy and destitute citizens of this state from want and deprivation by the provision of direct relief or work relief, or both; to cooperate with the Federal government in its program of national recovery, and to prevent disaster in this critical emergency; and by reason thereof an extraordinary occasion has arisen and now exists as contemplated in the Constitution of this state for the calling of a Special Session of the Legislative Assembly and requiring the consideration by that body of each of the matters hereinafter specified:

EXTRAORDINARY SESSION LAW

NOW THEREFORE, I, F. H. Cooney, Governor of the State of Montana, under and by virtue of the power and authority in me vested by the Constitution, do hereby convene the Twenty-third Legislative Assembly in Extraordinary Session at Helena, the Capital, at the hour of 10 o'clock A. M. on

MONDAY, THE TWENTY-SEVENTH DAY OF NOVEMBER, A. D. 1933, for the purpose of considering the legislation herein referred to and taking such action thereon as it may deem wise or expedient.

The purposes for which the Legislative Assembly is convened are as follows:

First. To clarify and broaden the powers and duties of the Montana Relief Commission; to enact legislation and taxation measures necessary to provide funds for the support and relief of the needy and for their employment; for the financing of direct relief or work relief, or both; to broaden the scope of existing legislation relative to the administration of such relief by the state or political subdivisions thereof; and for the distribution of such funds.

Second. To authorize and empower the state, counties, cities, towns, school districts, special improvement districts, or any governmental or political subdivisions or agencies of the state to obtain grants, loans or advances from the United States upon such terms as the President shall prescribe for the construction, repair or improvement of any public works project authorized by the National Industrial Recovery Act, or any similar legislation subsequently enacted by the United States, and to secure the benefits of such acts; to construct, finance or aid in the construction or financing of such public works project; to borrow money; to issue bonds; to convey land; to sell any real or personal property in connection with any such projects; or to lease any such property from the United States government with or without the privilege of purchase; to enter into any contracts, agreements or arrangements to secure the construction of public works; and to provide for the repayment of any loans made.

Third. To legislate relative to the proper conservation and use of water, the construction of public works which may include reservoirs, dams, diversion canals, distributing canals, pumping plants, power lines, lateral ditches and other means of conservation and distribution of the waters of this state, and to create the necessary agencies to investigate, direct, control or assist such projects.

Fourth. To modify the exemption laws of this state.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

Fifth. To amend and correct the law in relation to license fees for motor vehicles.

Sixth. To enact a law limiting the hours of labor.

Seventh. To provide for an appropriation in order to establish the state liquor stores authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the "State Liquor Control Act."

Eighth. To permit counties, cities, towns, school districts and other municipal corporations or subdivisions of the state to fund or refund indebtedness.

Ninth. To amend the law in relation to the time for redeeming real estate from tax liens.

Tenth. To provide for expenses of the Extraordinary Session hereby called and to make the appropriations necessary to carry out the legislation enacted.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(SEAL)

DONE at the City of Helena, the Capital, this the tenth day of November, in the year of our Lord one thousand nine hundred thirty-three.

F. H. COONEY.

By the Governor:

SAM W. MITCHELL,

Secretary of State.

MESSAGES

November 27, 1933.

The President of the Senate,
Senate Chamber,
Helena.

It is communicating no startling information to this honorable body when I say to you that the thirtieth day of the present month will bring a crisis in the life of many a taxpayer in the State of Montana unless this session can enact some measure of relief before that day has passed. The last day of November is the deadline for the payment of the first installment of taxes due for the year 1933.

In many sections of the state there are numerous taxpayers who will receive moneys from the Federal Government under the allotment plan, but unfortunately these payments are not expected before January next. To state the fact simply, with these funds the taxpayers will be enabled to pay the first installments while without them they cannot. If they do not, under the existing statutes the penalty for non-payment becomes operative.

It is suggested that this body may enact a law that will extend the time for this payment until the first of February without penalty, and it appeals to me as a measure that should be passed for the benefit of a large proportion of our people. Feeling thus, I am constrained to submit the question to you for appropriate and immediate action.

F. H. COONEY,
Governor.

November 28, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

As the members of this honorable body no doubt know, the plans of the Federal Government with respect to the expansion of irrigation projects in Montana will necessitate much greater ac-

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tivity in the office of our State Engineer. In order that we may fully avail ourselves of the terms of the Act under which these projects are to be initiated and completed, we must make provision for the preparatory work necessary to be done at home, and a great deal of these details will naturally fall to the lot of the State Engineer's department.

I therefore recommend that at this Extraordinary Session you enact an appropriation measure carrying sufficient moneys for the prosecution of this department's work for the period ending June 30, 1934.

F. H. COONEY,
Governor.

December 4, 1933.

The Speaker,
House of Representatives,
Helena.

The Congress of the United States, through the "Banking Act of 1933" and amendments to the "Reconstruction Finance Corporation Act", has created a Federal Deposit Insurance Corporation in which National and State Banks may become members for the purpose of obtaining the insurance of deposits in such banks, and has authorized the Reconstruction Finance Corporation to purchase non-assessable preferred stock from, or loan money to, said State Banks for the purpose of building up the capital structure of such banks in order to meet the requirements of the Reconstruction Finance Corporation, and has also authorized the Reconstruction Finance Corporation to loan money to closed banks for the purpose of paying depositors and creditors of closed banks.

I, therefore, recommend that this Extraordinary Session enact suitable measures to permit State Banks to issue non-assessable preferred stock and/or to borrow money in order to meet the requirements of the Congress of the United States and the Reconstruction Finance Corporation to this end, and also to authorize closed banks to borrow money for the purpose of paying depositors and creditors.

F. H. COONEY,
Governor.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

December 4, 1933.

The Speaker,
House of Representatives,
Helena.

Within recent months the amount of work necessary to be done in the office of the Governor has increased very materially; to such an extent, in fact, that at times it has been found essential that additional clerical assistance be employed in order that the business of the department might be kept up to date. I first thought that the increased volume of work was largely due to the unusual demands connected with the vast relief work for our people, the embarkation of the commonwealth upon the beer licensing program, and more latterly the launching of the liquor control program, and that the work would in time settle back into normal groove and become less exacting upon the force and upon the slender financial resources of the department.

But so far as present indications may be accepted as a guide, there is to be no letup in this demand upon the office, and I am therefore forced to submit a supplemental recommendation for your consideration. I request that your honorable body pass a bill carrying an appropriation that will adequately provide for the conduct of the Governor's office business during the remainder of the bien-nium, fixing upon such amount as your Appropriations Committee may consider proper after due inquiry into the situation.

In this connection I desire also to direct your attention to the fact that the state's property referred to as the Governor's Mansion is very much in need of certain repairs and replacements. Good business judgment dictates that the property of the state should be kept in good repair, as is the property of the private citizen or corporation. An investigation of the needs in this regard will, I am confident, convince you that certain repairs should be made without delay, and I therefore place the matter in your hands, recommending that there be an appropriation in such sum as your committee may find justified.

F. H. COONEY,
Governor.

December 5, 1933.

The Speaker,
House of Representatives,
Helena.

The Congress of the United States has created the "Home Owners' Loan Corporation" for the purpose of preventing the fore-

EXTRAORDINARY SESSION LAWS

closure of mortgages on homes and redeeming those homes upon which foreclosure has been made within the past two years and thus saving the homes of the people in our nation who are in distress and unable to pay the delinquent taxes and payments upon loans secured by mortgages upon homes now due and which may become due, and has authorized the corporation to refund such mortgage loans and pay the delinquent taxes thereon, and to make and pay for the necessary repairs on such homes.

The corporation is authorized to issue bonds in lieu of such mortgages and other forms of liens against such homes. These bonds are secured by the real estate constituting all of said homes. The interest on the bonds is guaranteed by the United States Government for a period of eighteen years, at four per centum interest. There can be no question as to the soundness of these bonds for investment purposes as well as for security for any depository bonds or obligations.

I therefore recommend that the Extraordinary Session enact a suitable measure making it lawful for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest their funds or the moneys in their custody or possession eligible for investment, in the bonds of the "Home Owners' Loan Corporation", and making said bonds eligible as security for any depository bonds or obligations wherein any kind of bonds or other securities are required or may, by law, be deposited as security.

Prison-Made Goods Bill

At the Regular Session of this Assembly you passed a bill prohibiting traffic in prison-made goods in this state, this measure appearing as Chapter 172 of the Session Laws of 1933, the prohibition to become effective on January 14, next.

It is now brought to my attention that the measure in its present form may work a hardship upon those of our citizens who unknowingly purchased prison-made machinery and must rely upon the same class of goods when repairs are necessary. It is argued that much of the farm machinery in use in Montana was prison-made in other states and that there must be an amendment of the

TWENTY-THIRD LEGISLATIVE ASSEMBLY

new law if the farmers are not to be left without opportunity to order repair parts for these machines.

It is proposed that a measure be enacted at this Extraordinary Session providing that where farm machinery now owned in the state requires repairs the sale and transportation of such repair parts shall not be prohibited by Chapter 172.

The question is submitted for such action as to you may seem proper in the circumstances.

F. H. COONEY,
Governor.

December 6, 1933.

The President of the Senate,
Senate Chamber,
Helena.

This Assembly at its Regular Session passed a bill which now appears as Chapter 12 of the Session Laws of 1933, defining nepotism and prohibiting the practice thereof in this state.

Representations have been made to me by many people to the effect that this measure is working a hardship upon some of our citizens, particularly the school teachers, who have been deprived of their positions because of the presence of a relative on the Board of Trustees.

Yielding to the importunities of those who would endeavor to secure an amendment of the present law, I have decided to submit the question to this Extraordinary Session for such consideration as it may desire to give the matter. This is done without recommendation on my part.

Leasing of Fair Grounds

Under existing law Boards of County Commissioners are restricted in the use of county fair grounds, and there is a movement on foot looking to the enactment of a measure whereby these grounds may be made a source of income for the benefit of the county poor fund. I am advised that there is a measure ready for introduction under the terms of which Boards of Commissioners would be authorized to lease their grounds and buildings for entertainment purposes, receiving twenty per cent of the lessee's gross receipts, the county, of course being indemnified against loss or damage to the property.

EXTRAORDINARY SESSION LAWS

The matter is submitted to this Assembly with the recommendation that appropriate action be taken.

F. H. COONEY,
Governor.

December 7, 1933.

The President of the Senate,
Senate Chamber,
Helena.

Chapter 40 of the Session Laws of 1933 relates to the expenses of officers and employees of the State of Montana while traveling on business for the state, and provides that in such cases the expenses of the officer, other than railroad, bus or automobile fare, shall not exceed the sum of four dollars a day.

This law has now been operative the better part of a year and my experience on the State Board of Examiners has forced upon me the conclusion that the law should be amended. I have found that an official called upon to make a trip on state business cannot live on four dollars a day unless he seeks accommodation at some hotel away from the heart of business or official districts and orders his food with an eye to economy rather than sufficiency.

Having had occasion to test the matter, I conclude that an amendment to the existing statute should be made, and I therefore recommend that this Extraordinary Session enact a measure so amending Section 1 of Chapter 40 as to except elective state officers from this limitation.

The Beer Bill

At the Regular Session early in the year this Assembly passed the "Beer Bill", under which the sale of 3.2 beer was legalized and has been conducted under the control of the State Board of Equalization. Experience during the few months of operation has demonstrated that some of the provisions of the measure are vague and some in conflict, and in order that there may be corrective legislation in this regard I am herewith submitting the matter to this Extraordinary Session for such amendments to the existing law as will make the provisions clear on all points, to the end that there may be no inequalities and no unfairness to either the state or licensee.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

Consolidation of School Districts

I have been called upon by a committee of the Montana School Boards Association with the urgent request that there be given an opportunity for consideration of a measure designed to materially reduce the cost of education through the elimination of inefficient units of school administration. The committee desires that this Extraordinary Session enact into a law a measure proposed at the Regular Session of this Assembly, this being known as House Substitute for House Bill No. 271, "providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund."

Impressed by the importance of the request I am hereby submitting the matter to this honorable body for such action as it may deem warranted.

F. H. COONEY,
Governor.

December 7, 1933.

The Speaker,
House of Representatives,
Helena.

In preparation for the tremendous project which the United States Government has undertaken in the building of the Fort Peck Dam it is found necessary to acquire title to a large area of state lands that will be flooded when the dam shall have been completed.

It is found that the restrictions of our present land laws will operate to delay much longer than is desirable the acquirement of title to these tracts, and it appears highly necessary that amendments be made which will expedite the matter of transfer.

I therefore submit this question for your consideration, with the recommendation that this Assembly in Extraordinary Session enact such legislation as may in its judgment be desirable in order to authorize and expedite the sale of state lands and the ceding of jurisdiction to the United States Government in connection with the Fort Peck Dam and other projects undertaken by the Government of the United States.

Inheritance Tax Amendment

I also herewith submit for your consideration the question of amendment of our present inheritance tax laws, with a view to in-

EXTRAORDINARY SESSION LAWS

creasing revenues therefrom prospectively and, so far as valid, retrospectively; and I recommend that such amendment be enacted.

F. H. COONEY,
Governor.

December 8, 1933.

The President of the Senate,
Senate Chamber,
Helena.

The appropriation bill known as House Bill No. 140, passed at the Regular Session and approved March 17, 1933, appropriated from the General Fund for each year of the current biennium the sum of seven thousand dollars for the Veterans' Welfare Commission as follows: "For salaries and expenses, \$3500.00; for gifts and relief to war veterans, \$3500.00."

Previously, as in 1931, for example, this appropriation was "For veterans' welfare expenses, \$10,000.00."

This appropriation was made before the passage of the National Economy Act. As a result of this Act and regulations issued thereunder it has become necessary for the disabled veterans of this state to resubmit their cases to rating and reviewing boards. To do this, assistance of the Veterans' Welfare Commission is necessary, to the end that the disabled may have their claims adequately prepared and presented. An additional burden has thus been placed on the Veterans' Welfare Commission. The appropriation for salaries and expenses is nearly exhausted, but there remains in the "gift and relief appropriation" sufficient, if transferred, for general expenses and salaries to allow the Commission to continue its services. If such transfer is not made the Commission will be required to discontinue its services at a time when there is great need therefor.

I therefore recommend that this Extraordinary Session grant authority to the State Board of Examiners, the State Treasurer and the State Auditor, to transfer any unexpended balance heretofore appropriated for the year ending June 30, 1934, from "Gift and relief to war veterans" to the fund for "Salaries and expenses" of the Veterans' Welfare Commission; and that like action be taken with reference to the sum of \$3500.00 appropriated for "Gifts and relief" for the year ending June 30, 1935.

F. H. COONEY,
Governor.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

December 13, 1933.

The President of the Senate,
Senate Chamber,
Helena.

It has been demonstrated that a change in the existing law fixing a license fee for the sale of cigarettes is desirable. The present law is contained in Section 2435 of the Revised Codes, which section also imposes a license fee for the sale of oleomargarine, butterine, etc., and a license fee for warehouses maintained by railways.

I am advised that that portion of the law which relates to a license for the selling of oleomargarine, etc., has been impliedly repealed by subsequent legislation and is not at present in force as a law on that subject.

It is urged that the license fee for cigarette selling should be reduced to \$2.50 per annum, and in the preparation of a proposed bill dealing with the subject it has been found necessary to enact a new statute in relation to cigarettes and to amend Section 2435 by removing therefrom the first and second paragraphs which concern oleomargarine, etc., and cigarettes, and to leave only that portion of the statute which relates to license of warehouses operated by railways.

This question is submitted for your consideration with the recommendation that the suggested changes in the present law be made.

Inheritance Tax Appraisers

Under the terms of our present inheritance tax law the duty of appointing special appraisers in inheritance tax cases devolves upon Judges of the District Court, this being the provision of Section 13 of Chapter 65, Laws of 1923, as amended. Inasmuch as inheritance taxes are payable to the state and not to the counties, it seems to me that the function of appointing appraisers should be one for the state rather than for the county.

I therefore recommend that this Extraordinary Session enact such legislation as will provide that the Governor shall, upon the application of any interested party, including the State Board of Equalization, appoint a competent person as special appraiser in an inheritance tax matter.

F. H. COONEY,
Governor.

EXTRAORDINARY SESSION LAWS

December 13, 1933.

The President of the Senate,
Senate Chamber,
Helena.

At the Regular Session of this Assembly an appropriation in the sum of two thousand dollars (\$2,000) annually was made for salaries and expenses of the State Horticultural Inspectors, in addition to fees derived from the enforcement of the wholesale dealers' license law. This appropriation is now exhausted and the fees are inadequate for the continuance of the service.

Since last May stations have been maintained at seven ports of entry, with two inspectors at each station, thus furnishing the necessary day and night service. In addition to their departmental duties these inspectors have rendered valuable services for other departments of the state, without charge, with one exception. They have collected the tax on excess gasoline carried by incoming trucks and have compelled all such trucks to secure Montana licenses, and have thus brought into the state thousands of dollars that would not otherwise have been collected. They have assisted counties by acting as deputy sheriffs under proper appointment and have represented the State Board of Health in helping to bar diseased fruits unfit for consumption. They have weighed all loads for the State Highway Commission and have acted as deputy livestock inspectors.

Figures of the Horticultural Division show that in four months of 1932 out-of-state trucks brought into Montana fruits and vegetables aggregating 453 carload lots. In the corresponding four months of 1933 such trucks brought in 333 carloads less, the decrease being due entirely to the activities of the horticultural inspectors.

With such a showing of accomplishment for the good of the state it seems unnecessary to argue that the continuance of the service is necessary. To discontinue it would result in heavy financial loss to the state. The public good and welfare demand that the stations at ports of entry be maintained. To do this a modest additional appropriation is necessary.

I therefore submit the matter to this Extraordinary Session, with the recommendation that you appropriate the sum of \$3,500.00 for the period ending June 30, 1934, and \$3,500.00 for the year from July 1, 1934, to June 30, 1935.

F. H. COONEY,
Governor.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena.

In February of this year Mr. Bart C. Dignan of Great Falls was injured by a fall of plaster from the ceiling of the office of the State Treasurer in the Capitol, Mr Dignan then being employed in the capacity of bond clerk in the Treasurer's office. Because of the injuries sustained Mr. Dignan was compelled to receive hospitalization and treatment by physicians. His bills for hospital and medical attendance totaled \$125.00.

Mr. Dignan is asking that the state reimburse him for the expense of treatment for injuries sustained while in the service of the state. The State Board of Examiners can neither authorize such reimbursement nor certify the claim to the Assembly as a deficiency claim, because of the fact that there is no fund from which such a claim might be paid.

I am therefore submitting the case to this Extraordinary Session, with the recommendation that you give it consideration and take such action as to you may seem justified.

F. H. COONEY,
Governor.

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

Members of your body have directed my attention to the apparent failure of the Governor's messages heretofore presented to you to authorize revenue to be raised, except revenue for relief of distress, and have conveyed to me the suggestion it might be desirable and that the Legislative Assembly might see fit to provide revenue for various funds of the state.

I therefore recommend and submit the question of additional revenues to the wisdom and discretion of your body and you are hereby authorized, in addition to providing revenue for the relief of people in distress and the relief of unemployment, also to provide for the General Fund of the state and Common School Interest and Income Fund, such revenue as may seem desirable.

F. H. COONEY,
Governor.

EXTRAORDINARY SESSION LAWS

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena.

Beyond a shadow of a doubt every citizen of Montana is desirous of doing everything within his power to insure restoration of conditions as they existed in our Nation before the depression got its throttling grip upon us. We are all, I believe, convinced that we have at last "turned the corner" in the pursuit of prosperity, and there are few who are willing to place any obstacle in the path of accomplishment of the aims of the Federal administration.

But it will be agreed that we should not depend wholly upon the parent Government to pull us out of the quagmire. There is much that the state itself can do to aid in the return of better times, and the state should stand ready to quickly adopt any measure looking to this end.

It is believed that a long stride in the right direction would be taken by the enactment of a measure creating a State Industrial Recovery Board, to be appointed by the Governor and to serve without pay, after the model set up by the national body.

I shall not go into detail regarding the proposed measure, but I do hereby recommend that this Extraordinary Session consider the question of creating such a board and that it enact a measure under the Governor and the proposed board may give fullest cooperation to the Federal forces that are working for the good of the whole people.

F. H. COONEY,
Governor.

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

One of the topics uppermost in the minds of Montana people is the high price that we are compelled to pay for gasoline in this state. The belief that we are being discriminated against is widespread and while numerous attempts have been made to reduce the cost of this fuel there has been no success worthy the name. A few months ago I was in correspondence with refiners doing business

TWENTY-THIRD LEGISLATIVE ASSEMBLY

in this state, with the hope that some relief might be had, but there has been no response indicating that there is any disposition on the part of the companies serving the state to heed the rumblings of discontent over the situation. Apparently the state is without authority to exert any influence that will bring about a readjustment.

In the circumstances it seems to me that it is high time the state were taking steps that may offer some hope of success. It may be that something can be achieved through a regulatory measure in the shape of an amendment of our present law, by the terms of which our Public Service Commission would have the power to revoke the license of persons engaged in the gasoline business, where such persons should be found guilty of charging exorbitant prices for their products to the people of this state.

Believing that the situation is one that demands the exercise of every effort on the part of the law-making body and of the officials of the state, I hereby recommend that this Extraordinary Session enact such legislation as will grant to the Public Service Commission the power to revoke licenses as suggested, after proper investigation.

F. H. COONEY,
Governor.

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

Montana is one of the states in which the production of crude petroleum and refined products thereof has come to be an important industry, and there is an insistent demand for legislation that will permit the agencies of this state to cooperate with the Federal Government in regulating the industry.

Believing that the members of the Assembly realize the importance of the subject, I hereby submit the question to this Extraordinary Session, with the recommendation that a measure be enacted providing for the creation of an Oil Conservation Board for the State of Montana, to do any and all things that may be necessary for the regulation and the fostering of this industry which has come to mean so much in the industrial and economic life of the state.

F. H. COONEY,
Governor.

EXTRAORDINARY SESSION LAWS

December 14, 1933.

The Speaker,
House of Representatives,
Helena.

It is deemed highly essential by authorities interested in co-operation with the policy of the United States Department of Agriculture that there should be legislation on the part of the State of Montana whereby certain low-grade farming lands may be withdrawn from grain farming and certain other lands may be developed through irrigation, and a measure calculated to permit this has been prepared.

I therefore recommend that this Extraordinary Session consider this subject and pass such measure as will further this work through cooperation between the State Planning Board and Boards of County Commissioners.

F. H. COONEY,
Governor.

December 15, 1933.

The President of the Senate,
Senate Chamber,
Helena.

Many of our banks have pledged collateral securities to the state, counties, and municipalities to secure public deposits and such banks desire that the proper officials be authorized to permit the withdrawal of such amount of the pledged securities as will be equal to the amount to which such public deposits will be guaranteed by the Federal Government when the Federal Guarantee Act becomes operative.

Therefore I hereby recommend enactment of appropriate legislation authorizing the proper officials to negotiate with and if found advisable permit the banks to withdraw such excess collateral security.

Refund of Beer License Fees

Some persons residing in cities and towns located on Indian reservations, or on lands that are virtually surrounded by Indian reservations in Montana, paid for and were granted licenses to engage in the business of selling beer under the Beer Act of the 1933 Regular Session. It has developed that such traffic is prohibited under the regulation of the Federal Government in any

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such cities and towns, and equity demands that the unearned portion of the license fees paid by such licensees be refunded. I therefore respectfully recommend appropriate legislation authorizing such refunds.

F. H. COONEY,
Governor.

December 18, 1933.

The President of the Senate,
Senate Chamber,
Helena.

Under a decision by the Montana Supreme Court, rendered only a few days ago, it will be necessary to close public schools in a number of districts in this state unless certain remedial legislation is passed at this time. Such legislation will affect only such districts as are indebted up to or beyond the constitutional limitation.

A statute exists which permits cities and towns to operate on a cash basis under such conditions, and it is desirable, if certain of our schools are to be saved from a calamity, that similar legislation be enacted for the benefit of districts in the condition set forth.

I therefore recommend that this Extraordinary Session of the Legislative Assembly consider and enact such legislation as will extend this privilege to the school districts affected.

F. H. COONEY,
Governor.

December 29, 1933.

The Speaker,
House of Representatives,
Helena.

Earlier in this Extraordinary Session there was introduced and passed a measure designed to legalize and validate certain elections that had theretofore been held in this state, in which it had been found that every technicality prescribed by the existing law had not been observed. This measure was House Bill No. 8, and received the approval of the Governor on the fourteenth day of December.

EXTRAORDINARY SESSION LAWS

It now appears that there is serious doubt as to whether House Bill No. 8 came within the purview of the call for this session, and in order that all doubt may be removed I now present the subject to this Extraordinary Session with the recommendation that House Bill No. 8 be repealed and then reenacted for the purpose of validating certain elections that would otherwise be nullified.

F. H. COONEY,
Governor.

January 3, 1934.

The Speaker,
House of Representatives,
Helena.

From many school districts and members of the Legislative Assembly have come requests that legislation be enacted at the present session permitting school districts to have made special levies to permit the redemption of outstanding warrants. The necessity for this legislation develops from a recent decision of our Supreme Court, to which reference was made in a recent message to you. Unless some remedial legislation is enacted a number of the schools must close their doors.

I therefore recommend that this Extraordinary Session enact a bill authorizing school districts, through the County Commissioners of the several counties, to make special levies to secure funds for the redemption of outstanding school district warrants.

F. H. COONEY,
Governor.

Note by Secretary of State:

The foregoing messages of the Governor, appear in full in both Senate and House Journals of the Twenty-third Extraordinary Session.

Extraordinary Session Laws

CHAPTER 1.

An Act to Amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, Postponing the Time When the Penalty Shall be Required for Failure to Pay the First Half of 1933 Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, be amended to read as follows:

“Section 1 (a). All taxes levied and assessed in the State of Montana, except special assessments made for special improvements in towns and cities, and except taxes levied and assessed upon motor vehicles, shall be payable as follows: One-half ($\frac{1}{2}$) of the amount of such taxes shall be payable on or before five o'clock P. M. on the 30th day of November of each year, and one-half ($\frac{1}{2}$) on or before five o'clock P. M. on the 31st day of May of each year; provided that unless one-half ($\frac{1}{2}$) of such taxes are paid on or before five o'clock P. M. on the 30th day of November of each year, then such amount so payable shall become delinquent and shall draw interest at the rate of two-thirds ($\frac{2}{3}$) of one per centum (1%) per month from and after such delinquency until paid and five per centum (5%) shall be added to the amount thereof as a penalty. All taxes due and not paid on or before five o'clock P. M. on the 31st day of May of each year shall be delinquent and shall draw interest at the rate of two-thirds ($\frac{2}{3}$) of one per centum (1%) per month from and after such delinquency until paid and five per centum (5%) shall be added to the amount thereof as a penalty; provided that in case the first half of taxes for 1933 is not paid by November 30, 1933, same may be paid any time prior to March 1, 1934, by paying such one-half ($\frac{1}{2}$) of said taxes without penalty and with interest on such one-half ($\frac{1}{2}$) of said taxes to the date of such payment; the penalty of five per centum

All taxes
except
special
assessments.

When
payable.

Interest
and penalty
for
delinquency.

(5%) shall attach and be payable on March 1, 1934, if such taxes have not been paid by said date."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved November 29, 1933.

CHAPTER 2.

NOTE—Repealed by Chapter 14.

An Act to Authorize Commercial Banks, Savings Banks, Trust Companies and Investment Companies to Issue Non-Assessable Preferred Stock Without Liability on the Holder Other Than to Pay the Original Subscription Price, and to Borrow Money for Capital Purposes, and to Obtain Consent of Stockholders and to Amend Articles of Incorporation for Such Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to issue preferred stock or borrow money.

Non-assessable stock.

Not subject to double liability.

Section 1. Notwithstanding any other provisions of law, any commercial bank, savings bank, trust company or investment company, now in existence or which may be hereafter formed, shall have the power to issue preferred stock or to borrow money for capital purposes upon such terms and conditions, voting and conversion rights as may be approved by the Superintendent of Banks and as may be required for the purchase of such stock or the making of such loans for capital purposes by the Reconstruction Finance Corporation or other agency or quasi-agency of the Federal government. Such preferred stock shall be non-assessable and no subscriber, holder or owner of such preferred stock, or evidence of money borrowed for capital purposes, shall, by reason thereof, be subject to any double liability or be held responsible for any contract, debt or engagement of the issuing bank, trust company or investment company.

Approval of $\frac{2}{3}$ of common stock necessary.

Section 2. The issuance and sale of any such preferred stock or such borrowing of money for capital purposes shall only be with the approval of the holders of two-thirds ($\frac{2}{3}$) of the common capital stock of such institution either by resolution adopted in meeting after ten (10) days mailed notice of the time and place of such meeting, or with the consent in writing of the holders

of two-thirds (2/3) of the common stock of such institution, filed with the Superintendent of Banks in either case.

Where
filed.

Section 3. The Articles of Incorporation of any such commercial bank, savings bank, trust company or investment company may, with like consent of the holders of two-thirds (2/3) of the common stock of such institution, be amended for the purposes of this Act.

Articles of
incorpora-
tion, how
amended.

Section 4. An emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval.

Approved December 11, 1933.

CHAPTER 3.

An Act to Authorize Liquidating Agents of Closed State Banks to Borrow Money from the Reconstruction Finance Corporation, or Other Governmental Agency, on Behalf of Closed Commercial Banks, Savings Banks, Trust Companies and Investment Companies, and to Pledge or Mortgage Assets or Property Thereof for the Purpose of Paying Depositors and Creditors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Notwithstanding any other provisions of law, the Liquidating Agents of closed banks shall have the power to borrow money from the Reconstruction Finance Corporation or other governmental agency on behalf of commercial banks, savings banks, trust companies and investment companies now closed or which may hereafter be closed and in liquidation and, as security therefor, to pledge or mortgage the assets and properties thereof, for the purpose of paying depositors or creditors thereof in part or in full, after making application to and obtaining the approval of the Superintendent of Banks and the District Court of the county in which said bank, trust or investment company is located, upon such court proceedings had and obtained as are prescribed in Section 127 of Chapter 89, Laws of 1927,

Power to
borrow
money
from R. F. C.
or other
agencies.

Procedure.

enacted by the Twentieth Legislative Assembly of the State of Montana.

Section 2. An emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval.

Approved December 11, 1933.

CHAPTER 4.

NOTE—Repealed by Chapter 29.

An Act Legalizing and Validating All Elections Heretofore Held in Any City or Town of This State, Authorizing the Creation or Increase of the Indebtedness of Such City or Town Within or Exceeding Three Per Centum of the Total Assessed Valuation of the Taxable Property of Said City or Town, as Ascertained by the Last Assessment for State and County Purposes, for Any of the Purposes Set Forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as Amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, Which Elections Were Held After Notice Published and Posted, as Provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at Which the Proposal to Create or Increase Said Indebtedness Received a Majority of All Votes Tendered and of All Votes Cast at Such Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Legalizing
and
validating
of elections
of cities
and towns.

Section 1. That any election heretofore held for the purpose of authorizing any city or town of the State of Montana to create or increase the indebtedness of such city or town by issuing bonds for any of the purposes set forth in Subdivision 64 of Section 5039, Revised Codes of Montana, 1921, as amended, or Sections 1 and 3, Chapter 160, Session Laws of Montana, 1931, not exceeding the limits therein set forth, and which election was held after notice, stating the time and place of holding the election, the amount and character of the bonds proposed to be issued and the purpose thereof, was published and posted in the time and manner required by Section 5279,

Revised Codes of Montana, 1921, or Section 8, Chapter 160, of the Session Laws of Montana, 1931, and at which election the proposal to increase said indebtedness and to issue such bonds received a majority of all votes tendered and of the votes cast at such election upon such proposition, be, and the same hereby is legalized, ratified, confirmed, and declared valid to all intents and purposes; and all such bonds, whether issued or hereafter to be issued, are legalized and declared to be valid and legal obligations of and against the city or town issuing the same, regardless of any error, defect, omission, irregularity or departure from statute or city or town ordinance in the holding of and conducting of such election, or the registration therefor, or in any of the steps or proceedings relating thereto.

Bonds also valid.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved December 14, 1933.

CHAPTER 5.

An Act Making Bonds of the "Home Owners' Loan Corporation" Eligible for Investment Purposes for Any Insurance Company, Building and Loan Association, or for Any Bank, Trust Company or Other Financial Institution Operating Under the Laws of This State, or for Any Executor, Administrator, Guardian or Conservator, Trustee or Other Fiduciary; and Making Such Bonds Eligible as Security for Depository Bonds and Obligations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Notwithstanding any other provision of law, it shall be lawful for any insurance company, building and loan association, or for any bank, trust company or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest their funds or the moneys in their custody or possession eligible for investment, in the bonds of the "Home Owners' Loan Corporation."

Who may invest in Home Owners' Loan Corporation bonds.

May be
used as
security
or bond.

Section 2. The bonds herein made eligible for investment may be used as security for any depository bond or obligation, wherein any kind of bonds or other securities are required or may by law be deposited as security.

Saving
clause.

Section 3. If any section, subsection, sentence, clause or phrase of this Act be for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portion of this Act. The Legislative Assembly hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof separately and irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be unconstitutional.

Section 4. The Legislative Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety.

Section 5. In the opinion of the Legislative Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved December 18, 1933.

CHAPTER 6.

An Act Relating to and Authorizing Any County, City, Town or School District Having an Outstanding Valid Indebtedness in an Amount in Excess of Fifty Per Centum (50%) of the Total Indebtedness Which It May Lawfully Incur Under the Provisions of the Constitution of This State Limiting the Amount of Indebtedness Which May be Incurred by Counties, Cities, Towns and School Districts, to Refund Its Outstanding Bonded Indebtedness and Providing the Method and Procedure Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

When bonds
may be
sold or
exchanged.

Section 1. Any county, city, town or school district, however organized, now having, or which may have at any time prior to May 1st, 1935, an indebtedness consisting of outstanding bonds and registered warrants lawfully issued, in an amount in the aggregate in excess of

fifty per centum (50%) of the total indebtedness which may be lawfully incurred under the provisions of the Constitution of this state limiting the amount of indebtedness which may be incurred by counties, cities, towns and school districts, may at any time prior to May 1st, 1935, issue and sell or exchange its bonds, or any part thereof, in the manner and according to the provisions of this Act. The term "municipal" and all derivatives thereof as used herein shall refer to and include all counties, incorporated cities and towns and school districts. The term "governing body" as used herein shall refer to the Board of County Commissioners, City or Town Council or Commission, Board of Trustees, or other body of the particular municipality exercising the legislative functions thereof.

"Municipal" defined.

"Governing body" defined.

Section 2. Any such municipality may, by resolution of the governing body, propose or accept and adopt a plan for refunding its outstanding bonded indebtedness, or any part thereof. Such resolution shall set forth such plan in detail, containing such provisions, not inconsistent with this Act, as they shall find to be for the best interests of the municipality, its taxpayers and its creditors. The plan may contemplate the issuance and sale of bonds to refund outstanding bonds due, not yet due, or both, may provide that refunding bonds be exchanged in whole or in part for outstanding bonds with the consent of the holders thereof, and may provide for the execution and sale or exchange, and delivery of refunding bonds from time to time as they are needed to meet maturing obligations. It may fix a time limit within which creditors may surrender the outstanding obligations of the municipality for payment or exchange, and the governing body may thereafter extend such time if found beneficial to the municipality to do so. The plan may require the consent of any specified percentage and amount of the holders of outstanding obligations of the municipality affected by such plan before it becomes effective. It may provide that such plan shall become effective only upon the condition that plans shall be adopted under this Act by any other municipality or municipalities whose territorial limits overlap in whole or in part those of the particular municipality. Any such municipality may take any action authorized or contemplated by any present or future Act of the Congress of the United States designated to assist municipalities in

Resolution to refund indebtedness.

What resolution shall contain.

What may be contemplated by the plan.

Time limit may be fixed.

May require consent of certain per cent of holders.

May provide conditional date to become effective.

May take action as authorized by Congress of U. S. and incur expenses.

refinancing, compounding or compromising their indebtedness, including any bankruptcy or similar Congressional Act; also including the payment of fees and expenses necessary to make use of any such Act of Congress and approved by the court having jurisdiction thereof. In all cases of plans adopted without reference to any Act of Congress the governing body may include as part of the issue the expenses thereof, provided the printing and other fees and expenses in carrying out such plan or plans shall not exceed in the aggregate one per centum of the face amount of such refunding bond issue, payable from the returns of the sale or from the general funds of the municipality. No attorney fees, brokerage or other fees or commission of any kind shall be paid to any person or corporation for assisting in the proceedings, or in the preparation of the bonds or in negotiating the sale thereof. Any such plan may provide for issuance of one series of bonds or more than one series.

Limitation
on expenses
of plan.

No fees
allowed for
preparation
of bonds, etc.

Publication
of plans.

Copy of
plans to be
filed in office
of State
Examiner.

Approval
necessary.

Section 3. When plans shall have been finally adopted a synopsis of such plans shall be published in two issues of some newspaper of general circulation published in the county in which said bonds shall originate. Said notice shall also state when a copy of the plans will be filed with the State Examiner as hereinafter provided. A complete and authenticated copy of the plan shall be filed in the office of the State Examiner together with such other data and information as he shall require and he shall approve or disapprove the same within thirty days thereafter and if not disapproved within thirty days it shall be deemed approved. No plan shall become effective which has been disapproved by the State Examiner.

Plan must
list all in-
debtedness
to be re-
funded.

Publication
of notice
of plan
and list.

Section 4. Such plan must list, or refer to a document on file in the office of the clerk of the municipality which lists all indebtedness proposed to be refunded thereunder with sufficient details to identify the obligations referred to, and, if the governing body so directs, the clerk shall cause to be published in one issue of the official newspaper or other newspaper designated by the governing body, a notice of the filing of such plan and list and a statement that notice is given pursuant to this section. Any action brought under the provisions of this Act must be commenced within twenty days after the date of said publication.

Section 5. Upon such plan becoming effective according to its provisions, the municipality may issue, and sell or exchange, and deliver the refunding bonds contemplated therein. The bonds shall be issued upon authority of a resolution adopted by a majority vote of the governing body, without submitting the matter to a vote of the electors of the municipality, and no such resolution or any proceedings respecting any such plan or any such bond issue shall be subject to referendum vote under any law. Bonds shall be in such form and shall be executed in such manner as required by law and as the governing body may determine and shall bear interest at a rate or rates not to exceed the rate borne by the bonds or obligations which are being re-issued, said interest to be payable semi-annually. Bonds may be issued hereunder without regard to any limitation on bonded indebtedness contained in any general or special law governing such municipality, but shall be general obligations of the municipality, and the full faith, credit, and unlimited taxing powers of the municipality shall be pledged to their payment unless the plan and the terms of the bonds expressly provide otherwise.

May issue, sell or exchange refunding bonds.

How issued.

Form of bonds.

Interest.

General obligations of municipality.

Section 6. Bonds may be either amortization, serial or term bonds as designated by the governing body of the municipality issuing the same.

Type of bond.

When amortization bonds are issued they shall not extend over a term of more than ten years. When serial bonds are issued the first installment thereof shall be due in not more than five years after their date of issue, and the last in not more than thirty years after their date of issue, and each installment shall be for the same amount, provided, however, that the final installment may vary from the amount of the other installments to the extent resulting from fixing the amount of each bond of the other installments at One Hundred Dollars (\$100.00) or multiple thereof. Serial bonds may be made redeemable on any specified interest paying date or dates by appropriate provisions therein. Redemption of such serial bonds shall be made only out of moneys not needed to pay interest or maturing principal, preference being given in the redemption or purchase of bonds of the longest term outstanding, in the manner herein provided for single maturity issues.

Time limitations.

Amount of installment.

Redemption of serial bonds.

Term
bonds.

Retirement
of term
bonds.

Which
bond to be
redeemed.

Bonds
determined
upon shall
be paid.

Bonds cease
to bear in-
terest after
redemption
date.

May publish
offers to
surrender
bonds.

Terms of
sale or
exchange.

May
purchase
outstanding
bonds.

Section 7. When term bonds are issued they shall all mature on a single date not more than thirty years after the date of issue. All term bonds shall be redeemable on any interest paying date at par and accrued interest. As moneys are accumulated from the levies prescribed by Section 9 hereof in the sinking fund established for such series, such bonds shall be redeemed and paid. At least ten days before each interest payment date, the treasurer shall specially deposit in the bank or with the institution at which such bonds are payable, any moneys on hand not needed for interest requirements which are sufficient to retire one or more bonds, together with a list of the serial numbers and denominations of the bonds of such series then outstanding, and a list of the names and addresses of the holders thereof, if known. The paying agent designated shall thereupon determine by lot which of such outstanding bonds shall be redeemed and shall by mail notify the holders thereof, if known. The bonds so determined upon, with interest accrued to redemption date, shall be paid out of the funds so specially deposited, forthwith on presentation of such bonds with all unmatured coupons attached, on or after such next ensuing interest payment date. The bonds shall cease to bear interest on the redemption date and the accrued interest on any bond ordered to be redeemed shall not be paid on or after such redemption date unless such bond, with all unmatured coupons attached, shall be surrendered for payment. Whenever money is available for payment of principal of bonds, the governing body may cause published advertisement to be made for offers to surrender bonds, and may use such money to purchase bonds below par by accepting the offers deemed most favorable, but any such money not so used prior to ten days before the next ensuing interest payment date shall be deposited and used for redemption as above specified.

Section 8. Bonds may be sold for cash or may be exchanged for outstanding obligations or partly sold and partly exchanged, but none thereof shall be sold or exchanged on such terms that the interest cost of the proceeds thereof will be at a rate higher than the rate on the bonds or obligations sought to be re-issued. The municipality must use the proceeds of bonds sold for cash to purchase outstanding bonds for the refunding of which such bonds were issued at the best price ob-

tainable, not exceeding par and accrued interest to date of purchase, or may use such proceeds to pay a certain percentage of all bonds or other indebtedness surrendered for exchange and deliver bonds in exchange for the remainder of said bonds or indebtedness. Prior to or contemporaneously with delivery of bonds issued hereunder an equal par value of outstanding bonds or other indebtedness to be funded or refunded shall be surrendered and cancelled. Insofar as any exchanges are made, the outstanding obligations accepted by the municipality shall be taken in at not more than the face amount thereof with accrued interest, and the bonds delivered shall be valued at not less than their face amount and accrued interest. The treasurer of the municipality shall keep a register showing the names and addresses of the holders, from time to time, of bonds issued hereunder, so far as such information is available.

Terms for
exchange
of bonds.

Register
of bond
holders.

Section 9. Upon any plan becoming effective, the governing body or other proper authority shall levy upon all the taxable property in such municipality a separate direct annual tax for each series in an amount not less than five per centum in excess of the sum required to pay the principal and interest of the bonds of such series. The levy for each of the years during which such bonds shall be outstanding shall be separately stated. If the bonds are of serial maturities, the levy shall be in such amounts that if collected before delinquency, the proceeds, together with any other money appropriated to such fund, will be sufficient to meet the payments of principal and interest on the bonds as they respectively become due. If the bonds are of a single maturity, the levy for the first three years may be only sufficient to pay the interest on all bonds, but thereafter each annual levy shall be equal and in such amount that the total thereof will amortize and pay the full principal and interest of the bonds on or before their maturity date. In the event that after the levy is certified any part of the bonds for the payment of which the levy was made shall not be issued, the governing body may cancel a proportionate amount of the levy so certified, but the amount of such taxes remaining uncanceled shall at all times be not less than five per centum in excess of the amount required to pay the bonds issued and outstanding. The governing body shall at the time of the levy create a separate sinking fund for each series of bonds,

Tax to
be levied
to pay.

Levy to be
separate.

Amount
of levy.

Separate
sinking
fund for
each series.

How funds to be used.

Disposition of surplus money.

Proviso.

into which shall be placed all proceeds of taxes levied on account of the bonds of such series, the proceeds of any taxes levied for the payment of bonds refunded by such series, and any other money which the governing body may appropriate thereto. The sinking fund shall be used for no other purpose than to pay principal and interest of the bonds of such series or to purchase the same as herein provided. If upon payment of all the bonds of any series there are moneys remaining in the sinking fund, the same may be transferred to the general fund of the municipality. The foregoing provisions shall not be construed as limiting the power of any municipality to levy taxes for the payment of the bonds, but it shall be the duty of such municipality to levy any and all taxes necessary to pay or discharge principal and interest of all bonds issued hereunder, regardless of statutory tax levy limitations.

General laws to apply.

Section 10. All of the laws of this state governing the issuance, sale and exchange of such bonds, levying of taxes for payment of principal and interest thereof, and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this Act shall apply to and govern such bonds.

Who may enter into plan and accept refunding bonds.

Section 11. All corporate trustees and savings banks, sinking fund commissions of municipalities, and any other person, board, or body, whose investments are regulated or restricted under any law of this state, save and except the State of Montana, which may have any of the funds under its or their control invested in any obligation of any municipality proposing a plan under this law, may, notwithstanding any provision of law regulating or restricting said investments, enter into such plan and accept refunding bonds issued hereunder, provided no bonds held by the state or any board thereof shall be surrendered under this Act for less than the face value thereof in cash with accrued interest.

Bonds binding obligation.

Section 12. The bonds issued in compliance herewith shall be the valid and binding obligations of the municipality according to their terms, whether or not such municipality shall have complied with any other law authorizing or regulating the issuance of bonds by such municipality.

Saving clause.

Section 13. If any section, clause, sentence, or provision of this Act or the application of such section, clause,

sentence, or provision to any person, party, or circumstance shall be held unconstitutional or otherwise invalid, the remainder of this Act or the application of such section, clause, sentence, or provision to parties or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 14. An emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval.

Section 15. All Acts and parts of Acts in conflict with this Act are hereby repealed; provided, however, that none of the provisions of Chapter 147 Session Laws 1927 relating to the issuance of bonds by school districts, or of Chapter 160 Session Laws 1931 relating to the issuance of bonds by cities and towns, or of Chapter 188 Session Laws 1931 relating to the issuance of bonds by counties, or of any Acts amendatory thereof or supplementary thereto, shall be deemed or held to be repealed by any of the provisions of this Act; and provided further that nothing in said other Acts shall operate to limit or restrict the issuance, sale, or exchange of bonds and procedure therefor under this Act in all cases where this Act is by its terms applicable.

Repealing
clause.

Approved December 19, 1933.

CHAPTER 7.

An Act to Authorize the Erection of Buildings for the Eastern Montana State Normal School, to Authorize the Borrowing of Money to Pay for the Construction of Said Buildings, to Create a Fund Out of Which the Principal of and the Interest Upon the Money so Borrowed May be Paid and to Provide That the Money, so Borrowed, Shall Not be and Never Shall Become a Charge Against the State of Montana or a Liability, Debt or Obligation of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Education is authorized to erect one or more buildings at the Eastern Montana

CHAPTER 7

EXTRAORDINARY SESSION LAWS

Power
to erect
building at
Eastern
Montana
State
Normal.

State Normal School, at a cost not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), for the purpose of providing the necessary administration offices, class rooms, laboratories, auditorium and gymnasium and for such other purposes as, in the judgment of the State Board of Education, may be required for the proper conduct, management and operation of said school.

Title to be
in the state.

Section 2. The title to all improvements acquired and erected under the provisions of this Act shall be taken and held in the name of the State of Montana.

Section 3. In carrying out the above powers, said Board may:

May borrow
money
and pledge
earnings.

(a) Borrow money.

(b) Pledge all the earnings of said institution and one-half ($\frac{1}{2}$) of all income and interest derived from the land grant made by the United States to the State of Montana for the establishment and maintenance of State Normal Schools for the State of Montana, under Section 17, of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states and to make donations of public lands to such states."

Power to
issue and
sell bonds.

Contract
with
Federal
agencies.

Terms of
obligations.

Interest.

Form and
denomina-
tion of
bonds.

Section 4. The State Board of Education is hereby authorized to issue and dispose of Eastern Montana State Normal School bonds for the money so borrowed, or to contract with the United States of America, or with the National Recovery Administration, or with any other organization created by Congress, or by executive order under any Act of Congress, for the repayment of the money so borrowed. Said bonds or contract obligations shall mature in not less than forty (40) years, may mature serially, or the principal of and interest on said bonds or obligations may be amortized over a period of years not exceeding forty, shall bear interest at a rate not exceeding six per cent (6%) per annum, and shall be payable at such place as may be designated by the State Board of Education. Said Board shall prescribe the form and denomination of such bonds or the form of such contract obligation, which bonds or contract obli-

gation shall be signed by the President and Secretary of said Board, to which shall be affixed the Great Seal of the State of Montana. In case bonds are issued, they shall bear upon their face the words "Eastern Montana State Normal School Bond", and shall have attached thereto coupons representing the interest to become due thereon at the rate and time specified for each of said bonds, which coupons shall bear the lithographic facsimile signatures of the President and Secretary of the State Board of Education.

Section 5. If bonds are issued for the money so borrowed, they shall be disposed of by the State Board of Education in such manner as it shall deem for the best interests of the Eastern Montana State Normal School, provided that no bonds shall be sold or disposed of for less than their par value, with accrued interest. Said Board may sell bonds to the United States of America, said National Recovery Administration or any other Federal governmental organization from which such money may be borrowed, without advertising or offering the same for sale to any other person. In lieu of issuing and selling such bonds, said Board may contract directly with the United States of America, the National Recovery Administration, or any other Federal governmental organization or agency authorized to make such loan, provided the obligation for the repayment of the money so borrowed, shall not exceed the amount borrowed, with interest thereon.

Power
to dispose
of bonds.

May sell to
Federal
agencies.

May contract
directly with
Federal
government
in lieu of
issuing
bonds.

Section 6. To provide for the payment of the interest on and principal of said bonds or the obligation of any contract between the State Board of Education and the United States of America, the National Recovery Administration or any other Federal governmental agency or organization from which said money may be borrowed, there is hereby created a special fund to be known as the "Eastern Montana State Normal School Fund", into which shall be paid annually one-half ($\frac{1}{2}$) of the income and interest realized from the aforesaid land grant to the State of Montana for the establishment and maintenance of Normal Schools in the State of Montana and all earnings of the Eastern Montana State Normal School until the amount so paid into such special fund shall equal the amount of maturing bonds and interest or maturing amortized payments for that year.

Creation of
Eastern
Montana
State
Normal
School fund
to provide
payment.

Money
to be paid
to fund.

State
Treasurer
custodian
of fund.

Section 7. The State Treasurer is hereby designated as the custodian of said special fund, from which he shall pay the principal of, and interest on said bonds or contract obligations as the same become due and charge the amount thereof to such special fund.

Money from
sale of bonds
goes to this
fund.

Disburse-
ments must
be made
from this
fund.

Certificates.

Copy to State
Board of
Examiners.

Warrant
issued by
Auditor
when.

Payable
by State
Treasurer.

Expenses
of issuing
bonds, etc.,
shall be
paid out of
said fund.

Montana
labor and
material to
be preferred.

Section 8. The money derived from the sale of said bonds or under any of the aforesaid contract obligations shall be paid directly to the State Treasurer, and shall be kept by him in a special fund to be known as the "Eastern Montana State Normal School Building Fund". All disbursements on account of the construction of any building or buildings for said school shall be made from said building fund, pursuant to certificates issued by the local executive board of Eastern Montana State Normal School. Such certificate shall be made in triplicate, one copy of which shall be retained by said local executive board, and two copies of which shall be forwarded to the State Board of Examiners. If found correct, the State Board of Examiners will audit the same, retain one and transmit the other, as audited and allowed, to the State Auditor and shall issue a certificate to the effect that the services have been rendered or material furnished and that the person named therein is entitled to a warrant for the amount therein named. Upon presentation of said certificate, as audited and approved by the State Board of Examiners, the State Auditor shall draw his warrant on said Eastern Montana State Normal School Building Fund for the amount stated and to the order of the person named in said certificate. Upon presentation of such warrant to the State Treasurer, the same shall be paid by said State Treasurer out of the said Eastern Montana State Normal School Building Fund.

Section 9. If bonds are issued under this Act, the cost thereof shall be paid out of said building fund. Fees, commissions and compensation of the architect employed in the construction of such building or buildings shall also be paid out of said fund; provided that Montana labor shall be given preference and under conditions and rates prescribed by the Federal Government for such work. Provided further that Montana material be used and given preference as far as practical; insofar as not in conflict with the regulations of the President of the United States.

Section 10. During the construction of such building or buildings, the local executive board of said school shall make quarterly reports to the State Board of Education giving a detailed statement of all of its transactions in connection with the construction of such building or buildings.

Quarterly reports of construction.

Section 11. No obligation created hereunder shall ever be or become a charge against or obligation, debt, or liability of the State of Montana, but all such obligations, including principal and interest, shall be payable solely from the aforesaid Eastern Montana State Normal School Fund. Nothing in this Act shall be so construed as to in anywise hold the State of Montana liable for the payment of bonds or contract obligations herein authorized, or the interest thereon; provided, however, that the lien hereby created upon one-half ($\frac{1}{2}$) of the income and interest derived from the lands granted to the State of Montana by the United States for the establishment and maintenance of Normal Schools and upon the earnings of the Eastern Montana State Normal School shall not be breached nor set aside until the bonds and contract obligations authorized by this Act have been fully paid, together with interest thereon.

No obligation to become charge or debt of the state.

Section 12. Any and all Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved December 19, 1933.

CHAPTER 8.

An Act Prescribing the Hours of Labor for Persons Employed in Retail Stores; Persons Employed in Delivering Goods Sold in Such Stores; Persons Employed in Wholesale Warehouses Used for Supplying Retail Establishments with Goods; and Persons Employed in Delivering Goods to Retail Establishments from Such Wholesale Warehouses; and Providing Penalties for a Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A period of eight (8) hours shall constitute a day's work and a period of not to exceed forty-eight

8 hour day.

To whom applicable.

(48) hours shall constitute a week's work in all cities and towns having a population of twenty-five hundred (2500), or over, for all persons employed in retail stores, and in all leased businesses where the lessor dictates the price, also kind of merchandise that is sold, and the hours and conditions of operation of the business, all persons employed in delivering goods sold in such stores, all persons employed in wholesale warehouses used for supplying retail establishments with goods, and all persons employed in delivering goods to retail establishments from such wholesale warehouses.

Penalty for violation.

Section 2. Any person, corporation, agent, manager or employer who shall violate any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) or more than Six Hundred Dollars (\$600.00), or by imprisonment in the county jail for not less than thirty (30) days or more than seven (7) months, or by both such fine and imprisonment.

Pharmacists excepted.

Section 3. The provisions of this Act shall not apply to registered pharmacists or assistant pharmacists.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Saving clause.

Section 5. If any clause, sentence or provision in this Act shall be declared invalid, such invalidity shall not affect any other part or parts of the Act. It being the intention of the Legislature to pass such other part or parts in any event.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved December 20, 1933.

CHAPTER 9.

An Act to Amend Section 1, Chapter 172, of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, to Make an Exception as to the Sale of Priscn Made Goods in the State of Montana to Permit the Sale of Repairs for Farm Machinery Now Owned in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, of Chapter 172, of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933, be, and the same is hereby amended to read as follows:

“Section 1. That on and after January 19, 1934, except as otherwise hereinafter provided, the sale in the open market in this state, of all goods, wares and merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners, under sentence in the state, (except prisoners on parole or probation), or in, or by, any penal or reformatory institution of the state is hereby prohibited. The provisions of this Act, and all other regulations and laws of this state in effect at the time and not inconsistent with this Act, shall apply to all goods, wares and merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners outside the state, (except prisoners on parole or probation), or in, or by, any penal or reformatory institution of the United States, or any state or foreign country, and transported into this state for use or consumption therein, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced or mined within the State of Montana: Provided, that where farm machinery now owned in this state requires repairs, and repairs for such machinery is manufactured in whole or in part without the State of Montana, the sale and transportation into the state of such repairs shall not be prohibited by this Act.”

Sale of prison goods, etc., prohibited.

Applies to prison goods from other states or foreign countries.

Repairs for farm machinery excepted.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved December 20, 1933.

CHAPTER 10.

An Act to Permit the Erection, Furnishing and Operation of Students' Union Buildings at the State Educational Institutions of the State of Montana and to Authorize the Financing Thereof in Conformity with the National Industrial Recovery Act or Otherwise.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Education of the State of Montana is authorized:

Powers of Board.

To erect
student
union
building.

(a) To erect and to furnish from time to time at any of the institutions under its control such students' union buildings as may be required for the good of the institutions.

To maintain
and operate.

(b) To maintain and operate such students' union buildings and to rent space therein and carry on such activities as will produce a reasonable excess of income over operating expenses.

To hold
funds for
repairs and
retirement
of indebtedness.

(c) To hold the funds derived from the operation of such students' union buildings and spend the same for repairs, replacements and betterments therein and thereon, and for the retirement of indebtedness incurred in the erection thereof.

To manage.

(d) To exercise full and complete management and control of such students' union buildings.

Montana
labor pre-
ferred.

(e) Montana labor shall be given preference and under conditions and rates of pay not less than prescribed by the Federal Government for such work.

Title in
name of the
state.

Section 2. The title to all real estate and improvements acquired and erected under the provisions of this Act shall be taken and held in the name of the State of Montana.

Other
powers.

Section 3. In order to fully effectuate the policies of the National Industrial Recovery Act passed by the Seventy-third Congress of the United States, the State Board of Education of the State of Montana, in carrying out the powers given it in Sections 1 and 2 of this Act, is hereby authorized:

To borrow
money.

(a) To borrow from the United States, or from such other sources as may be available such money, not exceeding Three Hundred Thousand Dollars (\$300,000.00) at any one institution, as may be necessary for the construction and equipment of such students' union buildings.

Limitation.

To pledge
rents and
income to
pay loans.

(b) To pledge the rents and income received from the operation of such students' union buildings for the discharge of the loans so executed.

To issue and
sell bonds.

(c) To issue and sell such bonds or other evidences of indebtedness as may be necessary in order to borrow money for the purposes set out in this Act. All of the rents, revenues and income from any of the said students'

union buildings together with students' union building fees shall be set aside by the State Board of Education in the custody of the State Treasurer and impounded and held in a fund to be known as the Students' Union Building Fund and to be used solely for the purpose of payment of principal and interest upon any indebtedness created for the erection and furnishing any students' union building as provided for in this Act; provided however, that each students' union building erected and/or furnished under the provisions of this Act at any of the various institutions of the University of Montana shall be considered as a unit and the rents and income for such students' union building and student fees at one institution shall not be mingled with those from any such building at any other institution, and shall not be used to discharge obligations created for any such building at any other institution; provided further, that whenever the Students' Union Building Fund in any institution shall have accumulated a surplus of rents, revenues, fees and income equal to three (3) times the amount of the annual charges for principal and interest on any indebtedness then outstanding, any surplus over and above such accumulation may be reverted in the discretion of the State Board of Education to the student fund at such institution. Any bonds or other evidences of indebtedness issued under the provisions of the Act shall be issued in the name of the State Board of Education of the State of Montana and shall provide for pledging of students' union building fees together with all of the rents, revenue and income derived from the operation of any such students' union building; provided that the rate of interest upon any such bonds or certificates of indebtedness shall not be in excess of five per cent (5%) per annum, and in the event of a loan from the United States, the rate of interest shall not exceed that required by the National Industrial Recovery Act. Such bonds or other evidences of indebtedness and the interest coupons thereon shall be in such form and denomination and payable in such manner as may be prescribed by the State Board of Education, and shall be signed by the President and Secretary of said Board and shall bear the Great Seal of the State of Montana. None of said bonds or evidences of indebtedness shall be sold or disposed of by the State Board of Education at less than their par value and accrued interest.

Student union building fund.

Building funds of each unit to be separate.

Surplus earnings may revert to student fund.

Bonds to be in the name of State Board of Education.

Rate of interest on bonds.

Form and denomination of bonds.

Sale value.

General
power.

(d) To make such contracts as may be necessary to properly carry out the provisions of this Act.

Obligation
never to
become a
charge or
debt of the
state.

Payable
from what
funds.

Section 4. No obligation created hereunder shall ever be or become a charge or a debt against the State of Montana, but all such obligations, including principal and interest, shall be payable solely from funds derived from the operation of the said students' union buildings and from the income derived from student fees or from gifts or bequests made to the respective institutions under the control of the State Board of Education for students' union building purposes.

Section 5. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force and effect from and after its passage and approval.

Approved December 22, 1933.

CHAPTER 11.

An Act to Permit Boards of County Commissioners to Lease County Fair Grounds and Buildings Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to
lease county
fair grounds
and buildings.

Bond
required.

Time
limitation.

Lessee to
furnish
police
protection.

Section 1. Boards of County Commissioners are hereby authorized to lease for limited periods of time county fair grounds and buildings thereon on such terms as they shall deem proper. In the event same are leased for entertainment purposes the County Commissioners shall collect an amount by them deemed proper but not in excess of twenty per centum (20%) of the gross receipts taken in by lessee. Said property shall not be leased unless the lessee shall give a bond such as the Board of County Commissioners may deem sufficient. No lease shall be executed to permit the use of said premises during any time within three (3) weeks prior to the holding of a county fair. No lease shall be executed unless the lessee shall agree to furnish adequate police protection over all property so leased. Any lease shall be subject to immediate cancellation by the Board of County Commissioners in case lessee fails to maintain order or to properly police the grounds; provided nothing herein

shall be construed to prevent County Commissioners to permit schools to use fair grounds for athletic or other public school purposes.

Proviso for schools.

Section 2. All moneys received from the leasing of fair grounds shall be deposited in the Poor Fund of the county.

Money to poor fund.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved December 22, 1933.

CHAPTER 12.

An Act Empowering Cities and Towns to Prepare and Improve Streets, Avenues and Alleys Within Sprinkling Districts so That the Sprinkling Thereof with Water, Oil, Salt or Any Other Dust Palliative, Will be of a Durable and Continuing Benefit, and Authorizing Cities and Towns to Enter Into Agreements with the United States of America for Loans of Money and for Financial Aid in the Accomplishment Thereof, and Apportioning the Cost Thereof Over a Period of Years.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Cities and towns are hereby authorized and empowered to prepare and improve streets, avenues and alleys, within the Sprinkling Districts, so that the sprinkling and applying of water, oil, and salt or any other dust palliative or preventive will be of a durable and continuing benefit and the City or Town Council shall provide, by ordinance, a method, or methods, of doing said work and improvement.

Power to prepare and improve streets, avenues and alleys.

Section 2. Cities and towns are authorized to enter into suitable agreements with the United States of America for loans of money and for receiving financial assistance to do the work and improvements contemplated by Section 1, of this Act and to provide for the repayment thereof by yearly payments from funds derived from such Sprinkling Districts created under Section 1, of this Act apportioned over a period of time not exceeding twenty (20) years.

Power to contract with Federal Government.

Power to maintain. Section 3. Cities and towns are authorized to maintain the work and improvements made under Section 1, of this Act.

Power to assess cost against property. Section 4. Cities and towns are authorized to assess the cost of such work, improvements and maintenance against the property in such Sprinkling Districts in the manner and as provided in Section 5276, of the Revised Codes of Montana, Supplement 1923-1927, to meet the payments required to be made each year.

Notice required. Section 5. At least fifteen (15) days must elapse between the day on which said proposed ordinance is introduced and the day on which final action thereon is taken.

Publication of notice. The City or Town Clerk must give notice of the introduction of such proposed ordinance, and of the time it will be up for passage, by publication three (3) times in a daily newspaper, or a newspaper printed and published every day except Sunday, or in a weekly newspaper for two (2) successive issues, in such city or town,

Posting notice. or, if there be no such newspaper, then by posting for at least ten (10) days in three (3) public places in each of the wards of said city or town. If forty per cent (40%) or more of the abutting property owners protest in writing to said City or Town Council against the passage of said proposed ordinance, then no further action shall be taken thereon and the same shall lapse.

Protest by 40% of property owners invalidates. Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved December 22, 1933.

CHAPTER 13.

An Act to Amend Section 4 of Chapter 158 of the Twenty-second Legislative Assembly as Amended by Section 5, Chapter 158 of the Twenty-third Legislative Assembly of the State of Montana Relating to the Registration of Motor Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of Chapter 158 of the Twenty-second Session of the Legislative Assembly of the State of Montana, as amended by Section 5 of Chap-

ter 158 of the Twenty-third Legislative Assembly, be. and the same is hereby amended to read as follows:

“Section 4. The Treasurer of any county shall not accept any application for registration or re-registration of any motor vehicle unless such application be accompanied by the previous registration receipt issued by the Registrar of Motor Vehicles, except in cases of automobiles not previously licensed in Montana; provided, upon application for registration or re-registration of motor vehicles upon which license has not been paid prior to January 1st, 1934, that if the applicant in possession of any motor vehicle shall present, with his application for license, an authentic and regularly issued certificate of title to any motor vehicle for which applicant desires to obtain a license, showing good title in applicant, and no license was obtained for such motor vehicle for the last preceding year, the County Treasurer shall accept payment for the license for such motor vehicle for the current year and a license shall be issued to such applicant. Provided further, that nothing in this Act shall be construed as a waiver of the obligation of the applicant to pay any and all delinquent registration fees due for the previous year on such motor vehicle. Provided that no application for registration or re-registration of any motor vehicle hereafter need be verified.”

Registration receipt for last year necessary.

Proviso where license has not been paid prior to Jan. 1, 1934.

Delinquent fees not waived.

Verification not necessary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect from and after January 1, 1934.

Emergency Act.

Approved December 22, 1933.

CHAPTER 14.

An Act to Repeal That Certain Law Relating to the Authorizing of Commercial Banks, Savings Banks, Trust Companies, and Investment Companies to Issue Non-assessable Preferred Stock Without Liability on the Holder Other Than to Pay the Original Subscription Price, and to Borrow Money for Capital Purposes, and to Obtain the Consent of the Stockholders to

Amend the Articles of Incorporation for Such Purposes, Which Said Law is Contained in Senate Bill No. 4 of the Extraordinary Session of the Twenty-third Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing
Chapter 2
of this
Session.

Section 1. That "An Act to Authorize Commercial Banks, Savings Banks, Trust Companies and Investment Companies to Issue Non-Assessable Preferred Stock Without Liability on the Holder Other Than to Pay the Original Subscription Price, and to Borrow Money for Capital Purposes, and to Obtain Consent of Stockholders and to Amend Articles of Incorporation for Such Purposes", approved December 11th, 1933, be, and the same is hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved December 22, 1933.

CHAPTER 15.

An Act Providing for the Amendment of the Articles of Incorporation or Agreement of Any Commercial Bank, Savings Bank, Trust Company or Investment Company, by Providing for the Issuance of Preferred Stock; Authorizing Any Such Bank or Company Hereafter Formed to Provide in Its Articles for the Issuance of Such Stock; Providing the Terms and Conditions Upon Which Such Stock May be Issued and Sold, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to
amend
articles
to issue
preferred
stock.

How
amended.

Section 1. Any domestic commercial bank, savings bank, trust company or investment company may amend its articles of incorporation or articles of agreement by providing for the issuance of non-assessable preferred stock, and any such bank or company hereafter formed may provide in its articles for the issuance of such stock. Such amendment may be made by the adoption of a resolution by a vote of persons holding a majority of the stock of such corporation at a meeting held after thirty

days' notice stating the purpose and the time and place of holding such meeting, either mailed or published in the manner provided in Section 17 of Chapter 89 of the Laws of Montana of 1927, and by filing a certified copy of such resolution in the office of the County Clerk and Recorder of the county in which the principal place of business is located and a certified copy thereof in the office of the Secretary of State, certified and authenticated as provided in Section 18 of said Chapter 89.

Where to
be filed.

Section 2. Such preferred stock shall not impose any double liability upon the subscriber or holder or subject the holder to responsibility for any contract, debt or engagement of the issuing corporation.

No double
liability
or other re-
sponsibilities.

Section 3. Such preferred stock may be issued and sold upon such terms and conditions as may be approved by the Superintendent of Banks, or as may be required for the purchase of such stock by the Reconstruction Finance Corporation or other agency or quasi-agency of the Federal government.

What may
be done
with stock.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 5. This Act shall be in full force and effect from and after February 1, 1934.

Approved December 23, 1933.

CHAPTER 16.

An Act to Authorize Commercial Banks, Savings Banks, Trust Companies and Investment Companies to Issue and Negotiate Capital Notes or Debentures and to Borrow Money for Capital Purposes, and Fixing the Status of Such Capital.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Notwithstanding any other provision of law any commercial bank, savings bank, trust company or investment company, now in existence or which may be hereafter formed, shall have the power to borrow money for capital purposes upon such terms and conditions as may be approved by the Superintendent of Banks and as may be required by the Reconstruction

Power to
borrow
money for
capital
purposes.

Terms and
conditions.

Shall
constitute
capital for
the purpose
of determin-
ing how
much money
may be
loaned and
borrowed.

Finance Corporation or other agency or quasi-agency of the Federal government from which the money may be borrowed, and for this purpose may issue capital notes or debentures therefor, such notes or debentures to be subordinate in right of payment to the payment in all deposits of such bank, savings bank, trust company or investment company. The amount of money so borrowed shall be considered as capital for the purpose of determining the maximum amount of money that may be loaned by such bank, savings bank, trust company or investment company to any person, co-partnership or corporation, and for the purpose of determining the maximum amount of money which such bank may borrow, and for all other purposes of bank capital as may be required by law.

Emergency
Act.

Section 2. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved December 23, 1933.

CHAPTER 17.

An Act to Authorize the Construction of a Building or Buildings for the State Insane Asylum at Warm Springs, Montana; to Provide for the Issuance of Revenue Bonds for the Payment Thereof; to Provide That Such Bonds Shall Not Constitute or be a Debt, Liability or Obligation of the State but Shall be Secured Only by the Rents or Income of the Buildings; to Provide for the Registration of Such Bonds; to Provide for Trust Indenture and Trustee for Said Bonds; to Provide for the Creation of a Sinking Fund and to Define Its Purposes; to Empower the State Board of Examiners to Enter Into All Contracts and Agreements Necessary or Incidental to the Execution of Its Powers Under This Act; to Provide Remedies of Bondholders; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to
construct
buildings
at State
Insane
Asylum.

Section 1. The State Board of Examiners, hereinafter in this Act termed the Board, is hereby authorized to construct additional building or buildings to be used in connection with the State Insane Asylum at Warm

Springs, Montana, the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized and other funds provided under the authority of this Act. The term "cost of construction" shall embrace the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period not exceeding one (1) year after the completion of construction, the cost of engineering and legal expenses, plans, specifications, and other expenses necessary or incident to the financing herein authorized and the construction of the building or buildings and placing the same in operation.

Definition of the term "cost of construction."

Section 2. The Board is hereby authorized to provide by resolution for the issuance of revenue bonds in an aggregate amount not exceeding Four Hundred Thousand Dollars (\$400,000.00) face value, for the purpose of paying the cost of construction as hereinabove defined of any one or more such buildings, the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall mature at such time, or times, not more than thirty (30) years from their date, or dates, as may be fixed by such resolution, but may be made redeemable before maturity at the option of the state, to be exercised by the Board, at such price, or prices, and under such terms and conditions as may be fixed by the Board prior to the issuance of bonds. The Board shall determine the rate of interest such bonds shall bear, not exceeding six per centum (6%) per annum, the time, or times, of payment of such interest, the form of the bonds and the interest coupons to be attached thereto, and the manner of executing the bonds and coupons, and shall fix the denomination, or denominations, of the bonds and the place, or places, of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. All bonds issued under this Act shall contain a statement on their face that the state shall not be obligated to pay the same, or the interest thereon, except from the special fund hereinafter set forth. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. All such bonds shall be, and shall have,

Board empowered to issue bonds.

Date of maturity.

Rate of interest.

Form and denomination.

Statement on bonds as to non-liability of the state.

Signatures on bonds made valid.

Negotiable.

State
not liable.

and are hereby declared to have all the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the State. Such bonds shall not constitute or be a debt, liability or obligation of the state, and shall be secured only by the rents and income of the buildings.

Registration
of bonds.

How to
be sold.

Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone or as to both principal and interest. The bonds authorized under the provisions of this Act may be issued and sold from time to time, and in such amounts as may be determined by the Board, and the Board may sell the bonds in such manner and for such price as it may determine to be for the best interests of the state.

Application
of moneys
from bonds.

Section 3. All moneys received from bonds issued pursuant to this Act shall be applied solely to the payment of the cost of construction, or to the Sinking Fund, and there is hereby created a lien upon such moneys until so applied in favor of the holders of the bonds or the Trustee hereinafter provided for in respect of such bonds.

May be
secured
by a trust
indenture.

Resolution
to protect
bondholders.

What
resolution
shall
provide.

Section 4. In the discretion of the Board such bonds may be secured by a trust indenture by and between the state and a Corporate Trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state; such trust indenture may, in the discretion of the Board, contain provisions for conveying in trust or mortgaging the buildings. Either the resolution providing for the issuance of bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the state and the Board in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of the buildings, the custody, safeguarding and application of all moneys, and may provide that the buildings shall be constructed and paid for under the supervision and approval of consulting engineers employed or designated by the Board and satisfactory to the original purchasers of the bonds issued therefor, their successors, assigns or nominees, who may be given the right to require that security given by contractors and by any depositary of the proceeds of the

bonds or receipts and revenues of the buildings, or other moneys pertaining thereto, shall be satisfactory to such purchasers, successors, assigns or nominees. Such resolution or indenture may set forth the rights and remedies of the bondholders and Trustee, restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations.

Section 5. On or before the issuance of any bonds, the Board shall, by resolution, create a Sinking Fund for the payment of the bonds and the interest thereon, and the payment of charges of banks or trust companies for making payment of such bonds or interest, and shall set aside and pledge a sufficient amount of all rents and income received by the Board, such amount to be paid into said Sinking Fund at intervals to be determined by the Board prior to the issuance of the bonds, for (a) the interest upon such bonds as such interest shall fall due, and (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the payment of the bonds as they fall due, or, if all bonds mature at one time, the proper maintenance of a Sinking Fund sufficient for the payment thereof at such time, and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided. Such required payments shall constitute a first charge upon all rents and income received by the Board. Prior to the issuance of bonds, the Board may provide by resolution or by such trust indenture for using the Sinking Fund, or any part thereof, in the purchase of any of the outstanding bonds payable therefrom at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued.

Board to create a sinking fund.

Set aside rents and income.

Purposes.

May also purchase bonds.

Limitation.

Section 6. The Board shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this Act, and may employ engineering, architectural and construction experts and inspectors and attorneys, and such other employees as may be deemed necessary, and may fix their compensation. All such compensation and all expenses incurred in carrying out the provisions of this Act shall be paid solely from funds provided under the authority of this Act, and no liability or obligation shall be in-

Board empowered to contract and employ.

How to be paid.

Care for
private
property.

curred hereunder beyond the extent to which money shall have been provided under the authority of this Act. All public or private property damaged or destroyed in carrying out the powers granted under this Act shall be restored or repaired and placed in their original condition, as nearly as practicable, or adequate compensation made therefor, out of funds provided by this Act.

Right of
action in
courts for
bondholders.

Section 7. Any holder of bonds issued under this Act or of any coupons attached thereto, and the Trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture to be performed by the Board.

Purpose of
Act.

Section 8. A critical emergency has arisen out of the present economic depression which has caused widespread unemployment and consequent indigence and dependence of a large portion of the people of this state. It is hereby declared that an emergency exists at the State Insane Asylum in that it is not able to take and care for a large number of patients who should be admitted thereto and that the construction of an additional building, or buildings, at said State Insane Asylum would be conducive to the welfare of the state, the relief of the unemployed and destitute, and the public health, safety, convenience and welfare of the people.

Repealing
clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved December 27, 1933.

CHAPTER 18.

An Act to Prohibit and Prevent the Waste of Crude Petroleum in the State of Montana; Creating an Oil Conservation Board; Providing for the Appointment of the Members of Said Board; Providing the Powers,

Duties and Authority of Said Board and the Members Thereof; Providing for the Filing and Hearing of Complaints Concerning Waste of Crude Petroleum, and for Oaths, Subpoenas and Depositions; Providing for the Co-Operation of Said Board with the Government of the United States and Department or Bureau Thereof in the Administration and Enforcement of the National Industrial Recovery Act and Any Order, Rule, Regulation or Code, Promulgated Thereunder in so Far as Relates to the Petroleum Industry; Providing for the Enforcement of the Act and the Rules, Regulations and Orders of the Said Board and Creating a Fund for the Purposes of Said Act and Providing for the Assessment and Collection Thereof.

PREAMBLE

That crude petroleum is essential to and indispensable in the business and economic life of the people of the State of Montana; that there is an over production of crude petroleum in the United States which is resulting in great waste and it is necessary to conserve the petroleum resources of the state and to prevent physical and economic waste for the benefit of the consumers and producers; and to prevent the growth of monopoly resulting from unfair competitive practices; that a national emergency exists and the regulations and supervision of the productions and marketing of crude petroleum is being carried on by the Government of the United States through its various departments and agencies under provisions of the National Industrial Recovery Act, and that it is desirable that the State of Montana co-operate with the Government of the United States in the administration of the Act and the Code of Fair Competition adopted pursuant to the provisions thereof, and for that purpose this Act is adopted.

Purposes
of Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The production of crude petroleum in the State of Montana in such manner, under such conditions and in such amounts as to constitute or result in waste is hereby declared to be opposed to the public interest and is hereby prohibited.

Wasteful
production
prohibited.

Creation of
the "Oil
Conservation
Board of
the State of
Montana."

Appointment
and term.

Co-terminous
with
Federal
Code.

Vacancies.

Qualification
of members.

Shall meet
at once
and elect
chairman.

Expenses
allowed.

Location
of office.

When
meetings
shall be
held and
place of.

Employees
of Board.

Section 2. There is hereby created and established an Oil Conservation Board of the State of Montana to be known as "Oil Conservation Board of the State of Montana," said Board shall consist of five (5) members to be appointed by the Governor, but may be removed by him at any time. They shall serve for two (2) years and until their successors are appointed and qualified, provided, however, that said Board shall be in existence only during such period as the Code of Fair Competition for the Petroleum Industry (approved by the President of the United States, August 19, 1933, or any amendments thereto, or revisions thereof) shall be in effect, it being the intention that the life of said Board shall be co-terminous with that of the Code of Fair Competition of the Petroleum Industry, or amendments thereto or revisions thereof. Any vacancy shall be filled by appointment in the manner prescribed by the Constitution.

Section 3. The persons appointed as members of such Board shall have been bona fide residents of the State of Montana for at least one (1) year before such appointment, and four (4) of whom shall be engaged in the production of crude petroleum within the State of Montana.

Section 4. The members of said Conservation Board first appointed shall without delay meet and organize and elect one (1) of their members as Chairman. A majority of said Board shall constitute a quorum. The members of the Conservation Board shall receive no compensation for their services but shall be allowed their several expenses incurred in the discharge of their duties.

Section 5. The Board may keep its office at the State Capitol or at any place in the State of Montana by it deemed best located for the performance of the duties imposed upon it by the provisions of this Act.

Meetings of said Conservation Board shall be at the call of the Chairman at any time and place he may designate. The Board may hold sessions or conduct hearings and investigate at any place it deems necessary to facilitate the performance of its duties or to accommodate parties in interest.

Section 6. The said Board may appoint a Secretary and employ such other persons as experts, assistants, clerks, and stenographers, as may be necessary to per-

form the duties that may be required of it, and fix their compensation; provided, however, that the total expenditures of such Board shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of Section 14, of this Act.

Limitation
on expendi-
tures of
Board.

The Secretary shall keep full and correct minutes of the transactions and proceedings of said Board and be the custodian of its records and files and preserve at the office of the Board all books, maps, and other documents entrusted to his care. He shall have authority to administer oaths and perform such other duties as may be required of him.

Duties of
Secretary.

Section 7. The Board shall have a Seal and such Seal shall have the following words engraved thereon: "Oil Conservation Board of the State of Montana", and said Seal shall be affixed to all writs, authentication of records or other proceedings. The courts of this state shall take judicial notice of such Seal.

Seal of
Board.

Section 8. Each member of said Board, and each person appointed to office by said Board, before entering upon the duties of his office shall take and subscribe the oath specified in Section 1, Article 19, of the Constitution of the State of Montana and such oaths shall be filed in the office of the Secretary of State.

Members
of Board to
take oath.

Section 9. The Conservation Board shall have general power and it shall be its duty:

Powers of
Board.

1. To have general control, regulation and supervision of the production, transportation and storage of crude petroleum within the State of Montana.

Regulation
of crude
petroleum.

2. To make and prescribe rules and regulations, not inconsistent with the Constitution and Laws of the State of Montana, which shall govern the operation of wells for the production of crude petroleum and the conservation thereof and the transportation and storage of crude petroleum within the State of Montana for the effectual carrying out of any and all laws, regulations and orders with regard to crude petroleum production, transportation and storage made by the United States Government, or by the Department of the Interior of the United States of America, by the National Recovery Administration of the United States Government, or by the authorities administering the Code of Fair Competition for the

Make and
prescribe
rules gov-
erning the
operation of
wells, etc.

Assist
Federal
agencies.

Petroleum Industry and/or any amendments thereof or any revision or modification thereof.

Determine and regulate "stripper wells."

3. To determine and prescribe what producing wells shall be defined as "stripper wells", and to make such orders as in its judgment shall be required to protect said wells, and to provide that such wells may be produced to capacity if it is deemed necessary in the interest of conservation so to do, notwithstanding allocation or restriction of production of other wells.

Require reports.

4. To require each and every producer, transporter, dealer in and/or storer of crude petroleum within the state to furnish monthly, at least, and oftener if required by the Board, any and all information and reports to said Board on such forms as it may prescribe and within the time specified by the Board, regarding any and all of the activities of such producer, transporter, dealer in and/or storer with respect to his said operations.

Act as regulatory board in dealing with U. S. Code.

5. To act as a regulatory board or agency for any allocation and regulation of crude petroleum production and/or storage within the State of Montana under and in accordance with the terms and provisions of the Code of Fair Competition for the Petroleum Industry or any amendments or revision thereof, and to have full power and authority to carry out the provisions of said Code and to provide for the conforming thereto of all producers, transporters, dealers in and/or storers of crude petroleum within the State of Montana.

Require sworn statements from producers concerning wells, etc.

Section 10. Said Board shall have the right to require any producer or producers of such crude petroleum, or any operators of any drilling or producing well or wells, to make and file sworn statements of production of or facts concerning any well or wells under their control, whenever and as often and for such periods as it may specify, and such well or wells may be inspected by said Board and/or its representatives or agents, measured, tested and/or gauged and/or the production therefrom gauged in such manner and under such rules and regulations as may be prescribed by said Board.

Require sworn statements as to oil in storage or in transportation.

Said Board shall likewise have the power to require owners and/or operators of any storage and/or transportation facilities of crude petroleum in this state to make and file such sworn statements regarding the same and quantity and quality of the crude petroleum in

storage and/or transportation of crude petroleum in such manner and to such extent and at such time as shall be prescribed by said Board by rules and regulations or by specific order in the performance of its duties under this Act.

Section 11. Upon complaint of the Oil Conservation Board, or upon the verified complaint of any producer of crude petroleum in this state, if it shall appear to satisfaction of said Board, that waste as defined by the Code of Fair Competition or any amendment thereto and/or revision thereof of crude petroleum, is being committed in this state, or that any rules, regulation or order of the Board is being violated, it shall hold a hearing in each of the counties in which it is alleged that such waste is being committed, or that such violation is occurring, to determine whether or not such, or any, waste or violation is being committed. At least five (5) days prior to the date of said hearing the Board shall cause notice of the time and place of said hearing to be published in a newspaper of general circulation printed and published in each county in which it is alleged that waste is being committed, or that such rules, regulations, or notice is being violated, or notice may be given by posting for at least five (5) days before such hearing in at least three (3) conspicuous places in each field or locality in which it is alleged that such waste or violation is being committed; provided, however, that in lieu of notice by posting or by publication, personal service of such notice upon any person, firm, or corporation, at least five (5) days prior to the date of said hearing, shall be sufficient notice of such hearing to such person, firm, or corporation. Each member of the Oil Conservation Board and each representative of such Board appointed and designated may make investigations, conduct hearings and take testimony at any hearing provided for herein, and shall have power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearing.

Hearing shall be held on complaint of a violation.

Five days' notice.

Publication of notice.

Notice by posting.

Notice by personal service.

Power of Board members to investigate.

Section 12. If, upon the hearing, the Board finds that waste is being committed, and/or that any rule, regulation, or order of the Board, or the authorities administering the Code of Fair Competition or any amendments thereto or revisions thereof, in regard to the production, transportation, dealing in and/or storage of crude petroleum is being violated, it shall enter its order or orders

Board to order violator to desist from violations.

requiring the person, firm, or corporation found to be committing such waste and/or violating such rule, regulation or order to desist from the same within such time and to the extent specified in such order, or orders.

Action to be brought on violation of order.

Action where to be commenced.

Joinder of actions.

Injunctive relief.

Court may dismiss when order invalid.

When Code of Civil Procedure to apply.

Privilege and license tax.

Producers to pay tax for themselves and others.

Section 13. If any person, firm, corporation, or syndicate shall violate or fail to comply with any order of the Board made hereunder, the said Board may bring an action by complaint in equity in the name of the State of Montana against such person, firm, corporation or syndicate in the District Court of any county in which any of the property covered or affected by such order is situated and/or in any county such violation is alleged to have occurred to restrain the commission of such violation or compel compliance with any such order. There may be joined in the same proceeding any number of defendants alleged to be violating the same order, although their properties and interests may be severally owned or may be situated in several counties and their actual violations of the order may be separate and distinct. In such action the court may enjoin the defendant, or defendants, from violating said order or may find to what extent violation has been committed and enter judgment accordingly. In the event the order is determined to be invalid the court may dismiss said action without prejudice to the right and jurisdiction to conduct further hearings and make a new order in the premises by giving notice thereof as in this Act provided. In any action for injunction brought hereunder no restraining order shall be issued ex-parte, but otherwise the proceedings shall be governed by the provisions of the Code of Civil Procedure of the State of Montana, and pending appeal, no temporary or permanent injunction issued in such proceeding shall be refused or dissolved or stayed upon the giving of any bond or undertaking or otherwise.

Section 14. There is hereby levied and assessed a privilege and license tax of three-eighths ($\frac{3}{8}$) of one cent (1c) per barrel on each and every barrel of crude petroleum produced, saved and marketed or stored within the State of Montana, during the period during which said Board is in existence. Producers thereof shall pay such tax on each barrel of crude petroleum produced for themselves as well as for others, including royalty holders, and shall be reimbursed for such tax paid in crude oil produced for others in the same man-

ner as they are reimbursed for Net Proceeds Tax paid on crude petroleum produced for others, as provided in Chapter 161, of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana.

Section 15. Each producer of crude petroleum in the State of Montana shall, not later than the twentieth day of each calendar month, beginning with the next calendar month after this Act shall become effective, render a true statement to the State Treasurer of the State of Montana, and a duplicate thereof to the Conservation Board of the State of Montana, duly signed and sworn to, of all crude petroleum produced by him in this state, during the preceding month, and containing such other information as the Oil Conservation Board may require, and shall accompany such statement with the payment to the State Treasurer of the assessment provided for in Section 14, of this Act, in an amount equal to three-eighths ($\frac{3}{8}$) of one cent (1c) per barrel for each barrel of crude petroleum produced by him within the state during the period covered by such report. Any producer carrying on business at more than one place or location in this state may include all such places of business in one statement.

When statement shall be made.

What to contain.

Pay assessment.

All may be included in one statement.

Section 16. Any such assessment not paid within the time herein specified shall be delinquent, and a penalty of twenty-five per cent (25%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one per cent (1%) per month from the date of delinquency until paid.

Penalty for delinquency.

Upon request of the Oil Conservation Board it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect the same.

Collection of delinquent taxes.

Section 17. All money collected under the provisions of this Act shall be deposited in a special fund to be known as the "Oil Conservation Board Fund" by the State Treasurer of the State of Montana, and the fund to be raised shall be used for the purpose of paying all expenses of said Board and for no other purpose. Upon the termination of said Board any balance remaining in said fund shall be paid over to the general fund of the state.

"Oil Conservation Board" fund.

Purpose.

Disposition of balance on termination.

Payment
of accounts
and expenses.

All accounts and expenditures of said Board shall be certified by the said Oil Conservation Board approved by the Board of Examiners, and paid by the State Treasurer upon warrants drawn by the State Auditor out of the Oil Conservation Board Fund.

Penalty for
violation.

Section 18. Each person, firm, co-partnership, corporation or syndicate who fails, neglects or refuses to make and file the statements required by this Act in the manner and within the time required, or shall wilfully make any false statement with reference to its, or his, business or shall wilfully violate any order of said Board shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding One Thousand Dollars (\$1,000.00), or punished by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment, and in the case of a corporation such punishment may also include forfeiture of its authorization to transact business within the State of Montana.

Forfeiture
of power
to transact
business
in state.

Saving
clause.

Section 19. If any section, subsection, sentence, clause or phrase of this Act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly declares that it would have passed this Act and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Doesn't
affect
other
Boards.

Section 20. Nothing herein contained shall be construed to derogate any powers of the Board of Railroad Commissioners of the State of Montana or the Public Service Commission of the State of Montana.

Section 21. This Act shall be in full force and effect from and after its passage and approval.

Approved December 29, 1933.

CHAPTER 19.

An Act to Amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, Amended by Chapter 91, Laws of Montana, 1931, Relating to the Appli-

cation of Destitute Persons Seeking Relief; the Residence of Said Persons; and Providing Temporary Relief to Non-Residents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4531, of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, be amended to read as follows:

“Section 4531. **Application of Persons Seeking Relief.** Any person seeking relief must make application to any member of the Board, who, may grant an order for temporary relief, but before granting any permanent order for relief, must require satisfactory evidence that he has been a resident of the county for one (1) year immediately preceding the day upon which application is made and properly sign a document permitting the county and its representatives to investigate their financial condition in any way it, or they, see fit, including inquiry of individual banks, building and loan associations, insurance companies, United States Postal Savings Department and request and authorize any and every individual, institution and department to impart unto said county or its representatives any information it, or they, may desire.”

Application for relief.

One year's residence.

Granting permission to relief workers to investigate financial status of applicant.

Section 2. That Section 4532, of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, be amended to read as follows:

“Section 4532. **Persons Belonging to Another County to be Removed.** When application is made, if it appears to the satisfaction of the Board that the person applying has resided in the county for one (1) year, he is entitled to the relief provided by this chapter; but if on examination it appears that the applicant is a resident of some other county of the state, the Board may provide him with transportation funds to move to the county of which he is a resident.”

Non-residents may be allowed transportation.

Section 3. That Section 4533, of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, be amended to read as follows:

“Section 4533. **Non-Residents Furnished Temporary Relief.** Persons who have not been resident of a county one (1) year may be furnished relief by the Commissioners in cases of extreme necessity and destitution.”

Cases of extreme destitution.

Repealing
clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Emergency
Act.

Section 5. This Act is hereby deemed and declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved January 2, 1934.

CHAPTER 20.

An Act Establishing an Emergency Relief Fund; Creating a State Institution to be Known as Emergency Relief; Defining the Purpose and Directing the Administration Thereof; and Directing the Distribution of Moneys to Said Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of
Emergency
Relief.

Section 1. There is hereby created a state institution to be known as Emergency Relief, the purpose of which shall be to provide means for the sustenance of life and the relief of distress among people of the state whom economic conditions, industrial inactivity, or other cause over which they have no control has deprived of support.

Purpose.

Emergency
Relief
Fund.

Section 2. There is hereby created, and the proper and usual officers of the state are hereby directed to set up and establish, a fund to be known as Emergency Relief Fund to which shall be distributed such moneys as are provided therefor by the Legislative Assembly.

Montana
Relief
Commission
to administer.

Section 3. The Montana Relief Commission is hereby authorized and it shall be the duty of that Commission to administer the fund herein created, and to administer the Emergency Relief as a state institution in such manner as to effectuate the purpose of this Act as herein set forth.

When
agencies
shall lapse.

Section 4. The institution herein created and the fund herein directed to be set up shall lapse, and the authority of the Montana Relief Commission with relation thereto, shall cease, at such time as shall hereafter be specified by the Legislative Assembly.

Commission
to take oath.

Section 5. The members of the Montana Relief Commission shall each take and subscribe to the Constitutional oath of office, and shall furnish a surety com-

pany bond conditioned upon the faithful discharge of their duties in the amount of Five Thousand Dollars (\$5,000.00) each, running to the State of Montana, the premium of which shall be paid by the state.

Furnish
bond.

Amount
of bond.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved January 2, 1934.

CHAPTER 21.

An Act to Authorize the Erection of a Building or Buildings for the Montana State Industrial School; to Authorize the Borrowing of Money to Pay for the Construction of Said Building or Buildings; to Create a Fund Out of Which the Principal of, and the Interest Upon the Money so Borrowed May be Paid; and to Provide That the Money, so Borrowed, Shall Not be and Never Shall Become a Charge Against the State of Montana or a Liability, Debt or Obligation of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Education is authorized to erect one (1) or more buildings at the Montana State Industrial School for the purpose of providing the necessary administration offices, class rooms, laboratories, auditorium and dormitories and for such other purposes as, in the judgment of the State Board of Education, may be required for the proper conduct, management and operation of said school.

Power
to erect
buildings
at Montana
State Indus-
trial School.

Section 2. The title to all improvements acquired and erected under the provisions of this Act shall be taken and held in the name of the State of Montana.

Title to be
in state.

Section 3. In carrying out the above powers, said Board may:

Power of
Board of
Education.

(a) Borrow money not to exceed Eighty Thousand Dollars (\$80,000.00).

Borrow
money.

Pledge
earnings.

(b) Pledge all the earnings of said institution and all income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a State Reform School for the State of Montana, under Section 17, of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to provide for the division of Dakota into two (2) states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states."

Power to
issue and
dispose of
bonds or to
contract
with U. S.
agencies.

Section 4. The State Board of Education is hereby authorized to issue and dispose of Montana State Industrial School bonds for the money so borrowed, or to contract with the United States of America or with the National Recovery Administration or with any other organization created by Congress or by executive order under any Act of Congress, for the repayment of the money so borrowed. Said bonds or contract obligations shall mature in not exceeding forty (40) years, may mature serially, or the principal of and interest on said bonds or obligations may be amortized over a period of years not exceeding forty (40), shall bear interest at a rate not exceeding six per cent (6%) per annum, and shall be payable at such place as may be designated by the State Board of Education. Said Board shall prescribe the form and denomination of such bonds or the form of such contract obligation, which bonds or contract obligation shall be signed by the President and Secretary of said Board, to which shall be affixed the Great Seal of the State of Montana. In case bonds are issued, they shall bear upon their face the words "Montana State Industrial School Bonds" and shall have attached thereto coupons representing the interest to become due thereon at the rate and time specified for each of said bonds, which coupons shall bear the lithographic facsimile signatures of the President and Secretary of the State Board of Education.

Date of
maturity.

Interest
rate.

Form and
denomination.

How bonds
are to be
disposed of.

Section 5. If bonds are issued for the money so borrowed, they shall be disposed of by the State Board of Education in such manner as it shall deem for the best interests of the Montana State Industrial School, provided that no bonds shall be sold or disposed of for less than their par value, with accrued interest. Said Board

may sell bonds to the United States of America, said National Recovery Administration or any other Federal governmental organization from which such money may be borrowed, without advertising or offering the same for sale to any other person. In lieu of issuing and selling such bonds, said Board may contract directly with the United States of America, the National Recovery Administration, or any other Federal governmental organization or agency authorized to make such loan, provided the obligation for the repayment of the money so borrowed, shall not exceed the amount borrowed, with interest thereon; provided further, that in the construction of building or buildings provided for under this Act Montana labor and Montana materials shall be given preference.

May contract
with U. S.
agencies.

Montana
labor and
material
preferred.

Section 6. To provide for the payment of the interest on and principal of said bonds or the obligation of any contract between the State Board of Education and the United States of America, the National Recovery Administration or any other Federal governmental agency or organization from which said money may be borrowed, there is hereby created a special fund to be known as the "Montana State Industrial School Fund" into which shall be paid annually all the income and interest realized from the aforesaid land grant to the State of Montana for the establishment of a State Reform School for the State of Montana and all earnings of the Montana State Industrial School until the amount so paid into such special fund shall equal the amount of maturing bonds and interest or maturing amortized payments for that year.

Creation of
"Montana
State Industrial
School
Fund."

All income
to go to
the fund.

Section 7. The State Treasurer is hereby designated as the custodian of said special fund, from which he shall pay the principal of and interest on said bonds or contract obligation as the same become due and charge the amount thereof to such special fund.

Treasurer
custodian
of funds.

Section 8. The money derived from the sale of said bonds or under any of the aforesaid contract obligations shall be paid directly to the State Treasurer, and shall be kept by him in a special fund to be known as the "Montana State Industrial School Building Fund". All disbursements on account of the construction of any building or buildings for said school shall be made from said building fund pursuant to certificates issued by the

Money from
bonds to go
into fund.

Expenses
to be paid
from fund.

Certificates
for expenses.

Duty of
Board of
Examiners.

Payment of
certificates.

Payment of
bond issue
and construc-
tion costs.

Quarterly
report on
construction
to Board of
Education.

State not
liable.

Income and
interest to
remain
inviolable.

local executive board of Montana State Industrial School. Such certificates shall be made in triplicate, one (1) copy of which shall be retained by said local executive board, and two (2) copies of which shall be forwarded to the State Board of Examiners. If found correct, the State Board of Examiners will audit the same, retain one and transmit the other, as audited and allowed, to the State Auditor and shall issue a certificate to the effect that the services have been rendered or material furnished and that the person named therein is entitled to a warrant for the amount therein named. Upon presentation of said certificate, as audited and approved by the State Board of Examiners, the State Auditor shall draw his warrant on said Montana State Industrial School Building Fund for the amount stated and to the order of the person named in said certificate. Upon presentation of such warrant to the State Treasurer, the same shall be paid by said State Treasurer out of the said Montana State Industrial School Building Fund.

Section 9. If bonds are issued under this Act, the cost thereof shall be paid out of said building fund. Fees, commissions and compensation of the architect employed in the construction of such building or buildings shall also be paid out of said fund.

Section 10. During the construction of such building or buildings, the local executive board of said school shall make quarterly reports to the State Board of Education giving a detailed statement of all of its transactions in connection with the construction of such building or buildings.

Section 11. No obligation created hereunder shall ever be or become a charge against or obligation, debt, or liability of the State of Montana, but all such obligations, including principal and interest, shall be payable solely from the aforesaid Montana State Industrial School Fund. Nothing in this Act shall be so construed as to in anywise hold the State of Montana liable for the payment of bonds or contract obligations herein authorized, or the interest thereon; provided, however, that the lien hereby created upon all of the income and interest derived from the lands granted to the State of Montana by the United States for the establishment of a State Reform School and upon the earnings of the Montana State Industrial School shall not be breached

nor set aside until the bonds and contract obligations authorized by this Act have been fully paid, together with interest thereon.

Section 12. Any and all Acts in conflict herewith are hereby repealed. Repealing
clause.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved January 2, 1934.

CHAPTER 22.

An Act to Authorize the Construction of a Building or Buildings for the Montana State Tuberculosis Sanitarium; to Provide for the Issuance of Revenue Bonds for the Payment Thereof; to Provide That Such Bonds Shall Not Constitute or be a Debt, Liability or Obligation of the State but Shall be Secured Only by the Rents or Income of the Buildings; to Provide for the Registration of Such Bonds; to Provide for Trust Indenture and Trustee for Said Bonds; to Provide for the Creation of a Sinking Fund and to Define its Purposes; to Empower the State Board of Examiners to Enter Into All Contracts and Agreements Necessary or Incidental to the Execution of its Powers Under This Act; to Provide Remedies of Bondholders; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners, hereinafter in this Act termed the Board, is hereby authorized to construct an additional building or buildings to be used in connection with the Montana State Tuberculosis Sanitarium, the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized and other funds provided under the authority of this Act. The term "cost of construction" shall embrace the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period not exceeding one (1) year after the completion of construction, the cost of engineering and legal expenses, plans, specifications, and other ex-

Power to
construct
buildings.

How to
be paid.

Definition
of term
"cost of con-
struction."

penses necessary or incident to the financing herein authorized and the construction of the building or buildings and placing the same in operation.

Empowered
to issue
bonds.

Date of
maturity.

Redeemable.

Rate of
interest.

Form of
bonds.

Statement
as to non-
liability of
the state.

Validity of
signatures
to bonds.

Negotiable.

State not
liable.

Registration
of bonds.

Section 2. The Board is hereby authorized to provide by resolution for the issuance of revenue bonds in an amount not exceeding Two Hundred and Fifteen Thousand Dollars (\$215,000.00), face value, for the purpose of paying the cost of construction as hereinabove defined of any one or more such buildings, the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall mature at such time, or times, not more than thirty (30) years from their date, or dates, as may be fixed by such resolution, but may be made redeemable before maturity at the option of the state, to be exercised by the Board, at such price, or prices, and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the rate of interest such bonds shall bear, not exceeding six per centum (6%) per annum, the time, or times, of payment of such interest, the form of the bonds and the interest coupons to be attached thereto, and the manner of executing the bonds and coupons, and shall fix the denomination, or denominations, of the bonds and the place, or places, of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. All bonds issued under this Act shall contain a statement on their face that the state shall not be obligated to pay the same, or the interest thereon, except from the special fund hereinafter set forth. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. All such bonds shall be, and shall have, and are hereby declared to have all the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the state. Such bonds shall not constitute or be a debt, liability or obligation of the state, and shall be secured only by the rents and income of the buildings.

Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone or as to both principal and interest. The bonds author-

ized under the provisions of this Act may be issued and sold from time to time, and in such amounts as may be determined by the Board, and the Board may sell the bonds in such manner and for such price as it may determine to be for the best interests of the state.

Sale of bonds.

Section 3. All moneys received from bonds issued pursuant to this Act shall be applied solely to the payment of the cost of construction, or to the Sinking Fund, and there is hereby created a lien upon such moneys until so applied in favor of the holders of the bonds or the Trustee hereinafter provided for in respect of such bonds.

Proviso as to use of money.

Section 4. In the discretion of the Board such bonds may be secured by a trust indenture by and between the state and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state; such trust indenture may, in the discretion of the Board, contain provisions for conveying in trust or mortgaging the buildings. Either the resolution providing for the issuance of bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the state and the Board in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of the buildings, the custody, safeguarding and application of all moneys, and may provide that the buildings shall be constructed and paid for under the supervisions and approval of consulting engineers employed or designated by the Board and satisfactory to the original purchasers of the bonds issued therefor, their successors, assigns or nominees, who may be given the right to require that security given by contractors and by any depositary of the proceeds of the bonds or receipts and revenues of the buildings, or other moneys pertaining thereto, shall be satisfactory to such purchasers, successors, assigns or nominees. Such resolution or indenture may set forth the rights and remedies of the bondholders and trustee, restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations; provided that Montana labor and material be given preference in the construction of the buildings specified herein.

Bonds may be insured by a trust indenture.

To protect bondholders.

Rights and remedies of bondholders.

Montana labor and material preferred.

Creation of
Sinking
Fund.

Purpose
of fund.

May pur-
chase bonds.

Power to
contract and
employ.

Payment
of expenses.

Care of
property.

Section 5. On or before the issuance of any bonds, the Board shall by resolution create a Sinking Fund for the payment of the bonds and the interest thereon, and the payment of charges of banks or trust companies for making payment of such bonds or interest, and shall set aside and pledge a sufficient amount of all rents and income received by the Board, such amount to be paid into said Sinking Fund at intervals to be determined by the Board prior to the issuance of the bonds, for (a) the interest upon such bonds as such interest shall fall due, and (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the payment of the bonds as they fall due, or, if all bonds mature at one time, the proper maintenance of a Sinking Fund sufficient for the payment thereof at such time, and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided. Such required payments shall constitute a first charge upon all rents and income received by the Board. Prior to the issuance of bonds, the Board may provide by resolution or by such trust indenture for using the Sinking Fund, or any part thereof, in the purchase of any of the outstanding bonds payable therefrom at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued.

Section 6. The Board shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this Act, and may employ engineering, architectural and construction experts and inspectors and attorney, and such other employees as may be deemed necessary, and may fix their compensation. All such compensation and all expenses incurred in carrying out the provisions of this Act shall be paid solely from funds provided under the authority of this Act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this Act. All public or private property damaged or destroyed in carrying out the powers granted under this Act shall be restored or repaired and placed in their original condition, as nearly as practicable, or adequate compensation made therefor, out of funds provided by this Act.

Section 7. Any holder of bonds issued under this Act or of any coupons attached thereto, and the Trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture to be performed by the Board.

Power to
enforce
rights
by law.

Section 8. A critical emergency has arisen out of the present economic depression which has caused widespread unemployment and consequent indigence and dependence of a large portion of the people of this state. It is hereby declared that an emergency exists at the Montana State Tuberculosis Sanitarium in that it is not able to take and care for a large number of patients who should be admitted thereto and that the construction of an additional building, or buildings, at said Montana State Tuberculosis Sanitarium would be conducive to the welfare of the state, the relief of the unemployed and destitute, and the public health, safety, convenience and welfare of the people.

Emergency
measure.

Purpose.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved January 2, 1934.

CHAPTER 23.

An Act to Amend Section 4767 of the Revised Codes of Montana of 1921, as Amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly, and as Further Amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, and as Further Amended by Chapter 134 of the Laws of the Twentieth Legislative Assembly, and as Further Amended by Chapter 49 of the Twenty-first Legislative Assembly, Relating to the Deposit of County, City and Town Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4767 of the Revised Codes of Montana for 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly and as further amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, as further amended by Chapter 134 of the Laws of the Twentieth Legislative Assembly, and as further amended by Chapter 49 of the Twenty-first Legislative Assembly, be and the same is hereby amended to read as follows:

Where
public
money
shall be
deposited.

Rate of
interest.

Security.

Not to require
security for
guaranteed
deposits.

What the
securities
may consist of.

When
personal
bonds may
be used.

“Section 4767. It shall be the duty of all County, City and Town Treasurers to deposit all public moneys in their possession and under their control in any solvent bank or banks located in the county, city or town of which such treasurer is an officer, subject to national supervision or state examination as the Board of County Commissioners in the case of a county, or of the Council in the case of a city or town, may designate, and no other. The sums so deposited shall bear uniform interest at the rate of not more than two per centum (2%) per annum, payable quarter annually. The Treasurer shall take from such banks such security as the Board of County Commissioners, in the case of a county, or the Council, in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits on demand, together with the interest thereon. Provided, however, that said Board of County Commissioners, City or Town Council may require security for only such portion of deposits as is not guaranteed or insured according to law. Such securities shall consist of bonds of some surety company authorized to do business in the State of Montana, or bonds guaranteed by such companies directly or indirectly, bonds and securities of the United States Government and its dependents, bonds and warrants of the State of Montana or of any county, city, town or school district of Montana, Federal Land Bank bonds, bonds of other states and counties of other states, bonds of the Dominion of Canada, and Canadian Provinces and other Canadian bonds guaranteed by the Canadian government or provinces thereof, personal bonds, as hereinafter provided, when accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon, which shall be attached and made a part of the bond and bonds issued in the United States of America, which are quoted on the New York market,

which shall be acceptable at not to exceed ninety per centum (90%) of such market quotation. Provided, further, that when negotiable securities are furnished, such securities may be placed in trust and the trustees receipt may be accepted in lieu of the actual securities when such receipt is in favor of the Treasurer, his successors and the State of Montana, and the form of receipt and the trustee have been approved by the State Examiner. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the Board of County Commissioners in the case of county funds, or the Council in the case of funds of a city or town, upon the acceptance and approval of any of the above mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securities shall be reapproved at least quarter annually thereafter. When more than one bank is available in any county, for the deposit of county funds, or in any city or town for the deposit of city or town funds, such deposits shall be distributed ratable among all of such banks qualifying therefor, substantially in proportion to the paid-in capital and surplus of each such bank willing to receive such deposits under the terms of this Act, and it shall be the duty of said County, City or Town Treasurer to prorate all such deposits among all of the banks qualified to receive the same as in this Act provided, to the end that an equitable distribution of such deposits shall be maintained. Whenever it shall come to the attention of the State Examiner that the funds of any county, city or town are not properly distributed as provided in this Act, the State Examiner shall order the Treasurer of such county, city or town to distribute said funds in accordance herewith, and if such Treasurer shall refuse or neglect to comply with such order, it shall be the duty of the State Examiner to institute proceedings against such Treasurer at the cost of the county, city or town of which such Treasurer is an officer, on the official bond of such Treasurer. If no such bank exists in the county, city or town, or if any bank or banks existing therein fails or refuses to qualify under the terms of this Act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any bank or banks within said county, city or town, shall be deposited under the

Treatment
permissible
when
negotiable.

Negotiable
securities
must be en-
dorsed, etc.

Duty of
officers
to make
entry of
acceptance
of securities.

Procedure
where there
are more
than one
bank.

State
Examiner
to enforce
proper dis-
tribution.

Procedure
where
no bank
available
or on refusal
to qualify.

Bank to make
statement
as to funds
handled.

All deposits
subject to
withdrawal.

Disposition
of interest.

Treasurer
not liable
for loss when
Act is com-
plied with.

Personal
bonds not
acceptable
in the
future.

Repealing
clause.

terms of this Act, in the bank or banks most convenient to such county, city or town, willing to accept such deposits under the terms of this Act, and qualified as above provided. Any bank or banks receiving such deposits, shall, through its president and cashier, make a statement quarter annually of account, under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balance in dollars, and the amount of interest by such bank or banks credited or paid therefor, and showing that neither such bank nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the Treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits, with any such bank. All such deposits shall be subject to withdrawal by the Treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain in any bank, until the security for such deposits shall have been first approved by the Board of County Commissioners in the case of county funds, or by the Council in the case of city or town funds, and delivered to the Treasurer. All interest paid and collected on such deposits shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this Act, the Treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.

No personal bond shall be accepted except when such bond is for the purpose of renewing a personal bond now in effect, and from and after December 31, 1930, personal bonds shall not be considered as acceptable security; provided, further, that from and after the passage and approval of this Act, no new or additional deposit accounts shall be opened by any Treasurer under any personal bond."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 2, 1934.

CHAPTER 24.

An Act to Provide Emergency Relief by Employment by Authorizing Counties, Cities, Towns, Rural Improvement Districts, School Districts and Any Other Political Subdivisions, or Any Other Governmental Agencies of the State to Make Loans, Convey Lands, Accept Grants from the President of the United States and from the State of Montana, to Borrow Money and to Enter Into Contracts and Arrangements for the Construction of Public Works.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The economic depression prevailing throughout the United States and foreign countries has caused widespread unemployment, poverty, dependency and distress among people in the State of Montana, and to such extent that the public peace, order and tranquillity are seriously endangered, and the orderly processes of government may be imperiled. Local, State and Federal means for relief so far made available are hopelessly inadequate. The entire situation constitutes a grave emergency in the history of our state. This emergency is hereby recognized and declared to exist.

Recognition of an emergency caused by economic depression.

In accordance with the fundamental principles and purposes of the government of this nation and of this state, we hereby declare it to be the policy of this Legislative Assembly to meet the existing emergency by providing public work for unemployed and distressed people throughout the state and thereby "insure domestic tranquillity and promote the general welfare."

Policy of the Legislative Assembly.

Section 2. To effectuate the purposes of this Act, counties, cities, towns, rural improvement districts, school districts, irrigation districts, drainage districts, sewerage districts, Federal reclamation projects and water users' boards of control thereof, and other political subdivisions and governmental agencies of this state, are hereby authorized until June 1, 1935, to undertake a program of public works which may include, among other things, the following: (1) The construction, repair and improvement of public highways, school houses, county and district high schools, public parks and parkways, public buildings and any other publicly owned instrumentalities and facilities; (2) the control, utilization

Political subdivisions and agencies of the state empowered to undertake a program of public works.

Some of the public works which are included.

and purification of water and extension and improvement of existing municipal water works; (3) or procuring a supply of water for a municipality which shall own and control such water supply and devote the revenues derived therefrom to the payment of the debt; (4) the construction, reconstruction, alteration or repair, under public regulation or control, of low cost housing and slum clearance projects; (5) the construction of any other projects of any character eligible for loans under the provisions of the Acts of Congress known as the Emergency Relief and Construction Act of 1932, and the National Industrial Recovery Act.

Power of
official
bodies to
construct
and finance.

Terms.

To make
loans and
convey
realty, etc.

To sell
property
to U. S.

To buy or
lease
property.

To accept
grants.

To contract
with U. S.

To issue
bonds.

To contract
for con-
struction.

To levy
taxes, etc.

Section 3. With a view of increasing employment quickly the Boards of County Commissioners, City and Town Councils, Boards of Trustees of school districts of governmental subdivisions, and agencies mentioned in this Act are authorized and empowered; (1) to construct, finance, or aid in the construction or financing of any public works project included in the program undertaken pursuant to Section 2, of this Act; (2) upon such terms as the President of the United States shall prescribe and pursuant to the National Industrial Recovery Act or other legislation of the United States and any laws of this state, to make loans, convey real property and accept grants for the construction, repair or improvement of any such projects; (3) to sell any real or personal property to the Federal Government in connection with the construction of any such project and to buy therefrom any property so constructed or to lease for any period not to exceed forty (40) years any such project therefrom, with or without the privilege of purchase, and any such contract or lease shall not be deemed the incurring of an indebtedness within the terms of the Constitution of this state; (4) to accept grants for any such projects; (5) to make and enter into any contracts with the Federal Government or any governmental agency aforementioned and to borrow money, issue bonds, debentures or certificates of indebtedness with respect thereto; (6) or to contract for the construction of any project to be paid for solely from the earnings of said project and without liability on the part of the governmental subdivision or agency contracting for the construction of same; and to levy taxes, divert funds or to amortize the indebtedness; notwithstanding any statutory restrictions or limitations on the right or power of

such county, municipal corporation or other agency described herein.

Section 4. Whenever in the opinion of the Governor the emergency herein declared to exist shall have been ended, no further loans may be made under the provisions of this Act.

Governor
may nullify
when.

Section 5. (a) No lease or contract shall be entered into and no debt or liability shall be incurred or created under the provisions of this Act on the part of any county, city, town, school district, public or municipal corporation, political subdivision or governmental agency, for the payment of any part of which taxes will be levied against the taxable property therein, without the approval of a majority of the qualified electors thereof whose names appear upon the last preceding assessment roll, voting at an election called for such purpose.

Majority
of electors
shall approve.

(b) The Council, Commission, Board of Directors, Board of Trustees or Governing Board of any county, city, town, school district, public or municipal corporation, or other political subdivision or governmental agency of this state, desiring to make a loan and to issue its bonds for any purpose or purposes set forth in this Act, shall at any regular meeting thereof or at any special meeting called for such purpose, adopt a resolution which shall set forth the following:

Resolution
to be adopted.

What
resolution
shall contain.

(1) The full amount required to be expended for any such purpose or purposes;

(2) The amount of the loan to be made therefor;

(3) The term over which bonds evidencing such indebtedness will extend. And said resolution shall call an election at which the question of making such loan and issuing such bonds shall be submitted to the qualified registered electors of the county, city, town, school district, public or municipal corporation, or political subdivision which is to make such loan and issue such bonds, who are taxpayers and whose names appear upon the last completed assessment roll, and fix a date for holding such election, which shall not be less than twenty (20) nor more than twenty-five (25) days from the date of the adoption of such resolution; provided such resolution may be adopted and said election called without any petition having been presented or filed asking that

Resolution
shall call
an election.

When
election
shall be
held.

Minutes
shall contain
resolution.

the same be held. Said resolution shall be entered in full in the minutes of the Board or Commission, and shall show the vote by ayes and nays thereon.

Copy of
Resolution
shall be
delivered
to County
Clerk.

When regis-
tration books
shall be
closed.

Clerk shall
prepare
list of
electors.

A copy of such resolution, certified by the Clerk of the Board or Commission shall be immediately delivered to the County Clerk and said County Clerk shall thereupon close the registration books for said election at 12 o'clock noon of the fifteenth (15) day prior to the date fixed in such resolution for holding such election, and it shall not be necessary for the County Clerk to post or publish any notice of the closing of the registration books. After the closing of the registration books for such election, the County Clerk shall promptly prepare lists of the registered electors who are taxpayers and whose names appear on the last completed assessment roll for state, county and school taxes and who are entitled to vote at such election, and shall prepare poll books for such election as provided in Section 568, Revised Codes of Montana as amended, and deliver the same to the judges of election prior to the opening of the polls for such election; provided that it shall not be necessary for the County Clerk to have the aforesaid lists of registered electors either printed or posted.

Resolution
shall be
posted.

(c) The Clerk of the Board calling such election shall, at least twenty (20) days prior to the date when such election is to be held, post, or cause to be posted copies of said resolution in not less than three (3) public places in each voting precinct, and the posting of such copies shall take the place of, and be in lieu of the publication of notice of election and posting notices of election required by the general election laws.

Ballots to
be prepared.

Ballots for said election shall be prepared by the Clerk of the Board calling such election and delivered by such Clerk to the judges of election, and said election shall be held and conducted, votes counted and returns made and canvassed in the manner required by the general election laws, and all provisions of such general election laws shall apply thereto, as far as the same are applicable and not in conflict with any of the provisions of this Act.

General
election laws
applicable.

Sale of
bonds.

No bonds or other evidences of indebtedness shall be sold for less than their par value with accrued interest to date of sale, and when sold to agencies of the United States may be sold without publication of notice of sale.

Section 6. Where proceedings have been commenced prior to the enactment of this chapter which would have been authorized under this law for the purposes described herein, such proceeding shall be held valid and sufficient, and shall authorize the completion of such proceedings under this law; and said proceedings, when so completed, shall be of the same force and effect as if this law had been in effect when said proceedings were so commenced.

Validating proceedings prior to the enactment of this Act.

Section 7. All of the laws of this state governing the issuance and sale of bonds by counties, cities, towns, school districts, and other subdivisions of the state authorized to issue bonds under this Act, the levying of taxes for the payment of principal and interest thereof and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this Act, shall apply to and govern all bonds issued under the provisions of this Act.

General laws of state to apply when not in conflict.

Section 8. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Saving clause.

Section 9. The Legislative Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety.

Purpose.

Section 10. An emergency exists and this Act shall take effect and have force from and after its passage; but this Act shall expire and stand repealed on March 30, 1935, and all Acts and parts of Acts conflicting herewith, shall be deemed to be in full force and effect from and after said date, their operation being merely suspended while this Act is in force.

Act to expire March 30, 1935.

Conflicting Acts suspended.

Approved January 4, 1934.

CHAPTER 25.

An Act Directing the State Board of Examiners, the State Auditor and the State Treasurer to Transfer Certain Sums from and to Certain Accounts in the

Funds Appropriated for the Veterans' Welfare Commission for the Biennium Ending June 30, 1935, for the Purpose of Enabling Said Commission to Maintain its Efficiency and to Properly Handle the Claims of Disabled Ex-Service Men for Compensation Under Acts of Congress.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose
of Act.

Section 1. That for the purpose of enabling the Veterans' Welfare Commission to maintain its efficiency and to properly handle the great number of claims of disabled Ex-Service men of Montana for compensation that have resulted from legislation enacted by the Congress at the last Session thereof, the State Board of Examiners, the State Auditor and the State Treasurer are hereby directed to transfer:

Funds to be
transferred
for 1934.

(a) From the account "For Gifts and Relief to War Veterans", of the appropriation for the Veterans' Welfare Commission for the fiscal year ending June 30, 1934, to the account "For Salaries and Expenses" of said appropriation, so much money therein as remains unexpended.

1935.

(b) From the account "For Gifts and Relief to War Veterans", of the appropriation for the Veterans' Welfare Commission for the fiscal year ending June 30, 1935, to the account "For Salaries and Expenses" of said appropriation, the full sum of Thirty-five Hundred Dollars (\$3,500.00).

Section 2. This Act shall take effect from and after its passage and approval.

Approved January 4, 1934.

CHAPTER 26.

An Act to Refund to Beer Licensees on Indian Reservations Where Licensees are Prohibited from Operating by Reason of Regulations of the Federal Government, and Providing an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a sum of money equal to the total claims for refunds as shall be allowed and approved by the State Board of Equalization for licenses issued to beer vendors under the provisions of Chapter 106, of the 1933, Session Laws, where licensees are prohibited from operating by the regulations of the Federal Government, be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the "Montana Beer Act Fund" for the purposes of paying such refunds.

Refunding
of license
fees to
licensees
prohibited
from oper-
ating by U. S.
regulation.

Provided, that the State Board of Equalization is hereby empowered to allow such claims in such amounts as in the discretion of such Board will be just and equitable under the circumstances attending each case in which a claim is presented.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 4, 1934.

CHAPTER 27.

An Act Authorizing and Empowering the State Engineer to Negotiate Compacts with Other States Regarding Interstate Waters.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Engineer is hereby authorized and empowered and it is hereby made his duty in addition to the other duties of his office to negotiate with the duly constituted authorities or agencies of other states and of the United States in the preparation of interstate compacts or agreements governing the use, distribution and allocation of the water of any stream or streams flowing from Montana into such other state or states or flowing from such other state or states into Montana. He shall cooperate with such other state or states and with the United States in making the necessary studies and obtaining the data necessary to the preparation of such compacts. Provided that the authority hereby given and the duties hereby imposed are limited to the preparation and proposal of any such compact and no such compact or agreement shall be anywise

Authorizing
and empower-
ing the State
Engineer to
negotiate
compacts
with other
states
regarding
interstate
waters.

Approval of
Legislatures
necessary.

binding upon the State of Montana until approved by the Legislature of Montana and the Legislatures of the other state or states involved in such compact.

Section 2. This Act shall be in full force and effect upon its passage and approval.

Approved January 4, 1934.

CHAPTER 28.

An Act to Amend Section 2435, of the Revised Codes of Montana, 1921, Relating to License Taxes on Vendors of Oleomargarine, Vendors of Cigarettes, and Railway Warehouses; and to Provide for a License Tax Upon the Business of Selling Cigarettes, Cigarette Paper, or the Material Used in the Making of Cigarettes, Except Tobacco.

Be it enacted by the Legislative Assembly of the State of Montana:

License tax
on those
selling
cigarettes,
cigarette
papers, etc.

Section 1. Every person, or persons, firm, co-partnership, joint stock company, association, and every corporation engaging in or carrying on the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco, must, for the year 1934, and each year thereafter, when engaged in or carrying on any such business within this state, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, in the sum of Five Dollars (\$5.00) per annum.

When and
where license
shall be
procured.

Each house
or branch
to have
separate
license.

Local
licenses also
required.

Section 2. A license must be procured from the State Board of Equalization immediately before the commencement of said business; and separate licenses must be obtained for each branch establishment or separate house of business located within the state and carrying on said business. No such license shall authorize any person to carry on any business within the limits of any incorporated city or town having power by its charter to impose or levy city or town license taxes, unless such person, in addition to the license provided by this Act, also procures the license required by the ordinance or orders of such city or town.

Section 3. Every person who commences or carries on such business without taking out or procuring the license provided for in this Act is guilty of a misdemeanor, and shall be punishable as in the case of other misdemeanors and in addition thereto shall be liable to a penalty of ten per centum (10%) of the amount of said license, which said penalty must be added to the amount of said license, and collected by the State Treasurer at the time of the collection of the license; but the payment of said penalty shall in no event relieve any person from prosecution for such misdemeanor.

Penalty for violation.

Section 4. The expense of carrying out the provisions of this Act, including cost of stamps, printing and incidental expenses, shall be defrayed out of the funds collected hereunder and shall not exceed Three Hundred Dollars (\$300.00) per annum. All license taxes collected under the provisions of this Act, less expenses of administration, shall be deposited to the credit of the General Fund of the state.

Expense of Act, how to be paid.

Section 5. Section 2435, of the Revised Codes of Montana, 1921, is hereby amended to read as follows:

Amending clause.

“Section 2435. Each railway company acting in the capacity of a warehouse for the purpose of storing and distributing goods, except any other than the capacity of common carriers, shall pay a license of Ten Dollars (\$10.00) per quarter in each county in which said business may be carried on.”

R. R. Co. to pay license on warehouse.

Section 6. The repeal affected by this Act shall not operate upon, affect, or in any manner impair any license tax or taxes which shall have become due and payable pursuant to the above repealed portion of Section 2435, of the Revised Codes of Montana, 1921, nor the authority of the County Treasurers to collect the same; as to all such license taxes said portion of said section shall remain in full force and effect.

Not to affect taxes due and payable before repeal.

Section 7. All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This Act shall be in full force and effect from and after January 1, 1934.

Approved January 5, 1934.

CHAPTER 29.

An Act Legalizing and Validating All Elections Heretofore Held in Any City or Town of This State, Authorizing the Creation or Increase of the Indebtedness of Such City or Town Within or Exceeding Three Per Centum of the Total Assessed Valuation of the Taxable Property of said City or Town, as Ascertained by the Last Assessment for State and County Purposes, for Any of the Purposes Set Forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as Amended, and Sections 1, and 3, Chapter 160, Session Laws of Montana, 1931, Which Elections Were Held After Notice Published and Posted, as Provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at Which the Proposal to Create or Increase Said Indebtedness Received a Majority of All Votes Tendered and of All Votes Cast at Such Election, and to Repeal Chapter 4, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Ratifying
elections
held to create
or increase
indebtedness.

Limitations.

Applies to
bonds issued
or those to
be issued.

Section 1. That any election heretofore held for the purpose of authorizing any city or town of the State of Montana to create or increase the indebtedness of such city or town by issuing bonds for any of the purposes set forth in Subdivision 64, of Section 5039, Revised Codes of Montana, 1921, as amended, and Sections 1, and 3, Chapter 160, Session Laws of Montana, 1931, not exceeding the limits therein set forth, and which election was held after notice, stating the time and place of holding the election, the amount and character of the bonds proposed to be issued and the purpose thereof, was published and posted in the time and manner required by Section 5279, Revised Codes of Montana, 1921, or Section 8, Chapter 160, of the Session Laws of Montana, 1931, and at which election the proposal to increase said indebtedness and to issue such bonds received a majority of all votes tendered and of the votes cast at such election upon such proposition, be, and the same hereby is legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, whether issued or hereafter to be issued, are legalized and declared to be valid and legal obligations of and against the city or

town issuing the same, regardless of any error, defect, omission, irregularity or departure from statute or city or town ordinance in the holding of and conducting of such election, or the registration therefor, or in any of the steps or proceedings relating thereto.

Defects
not to
invalidate.

Section 2. Chapter 4, of the Laws passed at the Extraordinary Session of the Twenty-third Legislative Assembly of Montana, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 5, 1934.

CHAPTER 30.

An Act Reducing the Penalty on Delinquent Ad Valorem Taxes from and After March 1, 1934, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the 1st day of March, 1934, the penalty on all delinquent ad valorem taxes or assessments shall be at the rate of two per cent (2%); provided, however, that nothing herein contained shall be deemed as in any manner whatsoever changing penalties imposed prior to the 1st day of March, 1934.

Penalty for
delinquent
taxes.

Proviso.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act is hereby declared as a Relief Measure to assist taxpayers in the State of Montana in redeeming their property from tax sales, and shall be in full force and effect from and after its passage and approval.

Emergency
Act.

Approved January 6, 1934.

CHAPTER 31.

An Act to Amend Chapter 7, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Relating to the Authori-

zation and Erection of Buildings for the Eastern Montana State Normal School; the Borrowing of Money to Pay for the Construction of Said Buildings; Creating a Fund Out of Which the Principal of and Interest Upon the Money so Borrowed May be Paid, and Providing That the Money so Borrowed Shall Not be and Never Shall Become a Charge Against the State of Montana, or a Liability, Debt or Obligation of the State of Montana, Which Said Act was Approved December 19, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4, Chapter 7, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, entitled: "A Bill for an Act to Authorize the Erection of Buildings for the Eastern Montana State Normal School; to Authorize the Borrowing of Money to Pay for the Construction of Said Buildings; to Create a Fund Out of Which the Principal of and the Interest Upon the Money so Borrowed May be Paid and to Provide That the Money, so Borrowed, Shall Not be and Never Shall Become a Charge Against the State of Montana or a Liability, Debt or Obligation of the State of Montana," approved December 19, 1933, be, and the same is hereby amended to read as follows:

Amending
clause.

Power to
issue and
dispose of
bonds or
contract
with U. S.
agencies.

Date of
maturity.

Interest
rate.

Form and
denomination.

"Section 4. The State Board of Education is hereby authorized to issue and dispose of Eastern Montana State Normal School bonds for the money so borrowed, or to contract with the United States of America or with the National Recovery Administration or with any other organization created by Congress or by executive order under any Act of Congress, for the repayment of the money so borrowed. Said bonds or contract obligations shall mature in not more than forty (40) years, may mature serially, or the principal of and interest on said bonds or obligations may be amortized over a period of years not exceeding forty (40), shall bear interest at a rate not exceeding six per cent (6%) per annum, and shall be payable at such place as may be designated by the State Board of Education. Said Board shall prescribe the form and denomination of such bonds or the form of such contract obligation, which bonds or contract obligation shall be signed by the President and Secretary of said Board, to which shall be affixed the

Great Seal of the State of Montana. In case bonds are issued, they shall bear upon their face the words "Eastern Montana State Normal School Bonds" and shall have attached thereto coupons representing the interest to become due thereon at the rate and time specified for each of said bonds, which coupons shall bear the lithographic facsimile signatures of the President and Secretary of the State Board of Education."

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved January 6, 1934.

CHAPTER 32.

An Act to Amend Section 1, of Chapter 40, Session Laws of 1933, Montana, Relating to Expenses of Officers and Employees of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, of Chapter 40 of the Session Laws of 1933, Montana, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 1. Every person engaged in any service in every Department of State, inclusive of persons in elective or appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the Board of Examiners the said itemized statement, and at the end of each month, or if sooner required by said Board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said Board; provided, that in all cases such

Requiring an itemized statement covering capacity of work and expense for each day while away.

Parties
exempted.

expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than Four Dollars (\$4.00) per day. The foregoing limitation of expenses shall not apply to elective state officers, their deputies or representatives while engaged on official business outside of the state; and in such case, the Board of Examiners may allow such actual expenses as in their judgment are reasonable in amount."

Section 2. This Act shall be in full force and effect immediately from and after its passage and approval.

Approved January 8, 1934.

CHAPTER 33.

An Act to Amend Section 2235 of the Revised Codes of Montana, 1921, as Amended by Section 3 of Chapter 85, Laws of the Twentieth Legislative Assembly, as Amended by Chapter 162, Laws of the Twenty-first Legislative Assembly, Relating to the Sale of Unredeemed Property by County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2235 of the Revised Codes of Montana, 1921, as amended by Section 3 of Chapter 85 of the Laws of the Twentieth Legislative Assembly of the State of Montana, as amended by Chapter 162 of the Laws of the Twenty-first Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

When sale
may be
made.

"Section 2235. **Sale of Unredeemed Property by County Commissioners.** Whenever the county has become or attempted to become, the purchaser of any property, real or personal, of a value in excess of One Hundred Dollars (\$100.00), sold for delinquent taxes, and said property has not been redeemed by the person entitled to do so, and a tax deed or instrument purporting to convey title has been issued to the county, whether the same was regular or irregular, valid or invalid, the Board of County Commissioners may, at any time, by an order entered upon the minutes of its proceedings, sell such property at public auction at the front door of the courthouse; provided, however, that thirty (30) days

Notice
required.

notice of such sale shall be given by the Board of County Commissioners by publication in a newspaper printed in the county and by posting copies of such notice in at least five public places in the county.

Such sale may be made for cash or, in the case of real property, on such terms as the Board of County Commissioners may approve; provided, however, that if such sale is made on terms at least twenty (20%) per centum of the purchase price shall be paid in cash at the date of sale, and the remainder may be paid in installments extending over a period not to exceed five years, and all such deferred payments shall bear interest at the rate of four (4%) per centum per annum.

Terms of sale allowable.

Provided further that in the case of real estate, the Board of County Commissioners may in its discretion exchange said real estate for bonds issued by the Home Owners Loan Corporation, or any bonds, debentures, or other securities issued by any company or corporation organized under any Act of the Congress of the United States upon which said bonds, debentures or other securities the interest or principal is guaranteed by the United States. Such bonds may be taken at not more than the par value thereof, as to all or any part of the purchase price, all in accordance with the terms and conditions as in this Act provided; and no such bonds may be accepted for part or full payment if the purchase price shall be less than the appraised value as set by the Board of County Commissioners.

Commissioners may exchange realty for bonds of U. S. Agencies.

Terms of exchange.

The County Treasurer shall hold such bonds, debentures or other securities and collect the interest thereon and the principal thereof when due; all money collected or received shall be distributed as hereinafter provided. The Board of County Commissioners shall in its discretion dispose of such bonds from time to time for the use and benefit of the county at not less than the market value thereof.

Disposition of Bonds.

Power to sell Bonds.

If a sale is made on terms the Chairman of the Board of County Commissioners shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the Board of Equalization upon payment of the purchase price in full together with all interest which may become due on any installments, or deferred payments, the Chairman of the Board of County Commissioners shall execute a deed to the purchaser, or

Provision for sale on terms.

How tax-
payer may
redeem.

his assigns, or such other instrument as will be sufficient to convey all of the title of the county in and to the property so sold. Provided further that at any time before such sale, the taxpayer whose property has been deeded to the county may purchase such property by payment to the county of the full amount of the taxes, penalties and interest for which such property was sold and such purchase and payment may be effected by an installment contract with annual payments, as provided in Subdivision 10 of Section 1 of Chapter 100, Montana Session Laws of 1931.

When to
become tax-
able to
purchaser.

On the first Monday in March following the execution of such contract, or deed, as the case may be, the property shall be subject to taxation in the name of the purchaser or his assignee, and the purchaser, or his assignee, shall thereafter pay all taxes and assessments lawfully laid against such property.

Validating
all tax sales
made or
attempted.

All sales heretofore made, or attempted to be made, by counties of property purchased for taxes, and the deeds to purchasers from such counties, whether or not irregular or void, for any reason, or because of any irregularity or failure to follow the directions or comply with the provisions of any statute relating to such deeds, or relating to the taxation or sale of such property for taxes, or the time or manner of redeeming property, or of securing a tax deed, are hereby confirmed, and said deeds and any deed or contract executed under this section shall vest in the purchaser, as of the date of said deed, or contract, all the right, title, interest, estate, lien, claim and demand of the State of Montana, and of the county, in and to said real estate, including the right to recover unpaid taxes, interest and penalties if the tax sale or any of the tax proceedings or tax deed shall be attacked and held irregular or void. If the property real or personal of which the county has become possessed, be of a value of less than One Hundred Dollars (\$100.00), it will be sold in accordance with the provisions of Subdivision 10 of Section 4465 of the Revised Codes of Montana, 1921, and amendments thereto.

When title
shall rest in
purchaser.

Right to
recover taxes,
penalties, etc.

How property
under \$100
shall be sold.

How proceeds
shall be
distributed.

The proceeds of every such sale shall be paid over to the County Treasurer, who shall apportion and distribute the same in the following manner:

1. If such proceeds are in excess of the aggregate amount of all taxes and assessments accrued against such

property for all funds and purposes, without penalty or interest, then so much of such proceeds shall be credited to each fund or purpose, as the same would have received had such taxes been paid before becoming delinquent, and all excess shall be credited to the general fund of the county.

When in excess of all taxes on such property.

2. If such proceeds shall be less in amount than the aggregate amount of all taxes and assessments accrued against such property for all funds, and purposes, without penalty or interest, then such proceeds shall be pro rated between such funds and purposes in the proportion that the amount of taxes and assessments accrued against such property for each such fund or purpose bears to the aggregate amount of taxes and assessments accrued against such property for all funds and purposes.

When less than all taxes on such property.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed; provided, however, that this Act is not intended, and nothing herein shall be deemed intended, either to repeal or displace Chapter 89 of the Laws of the Nineteenth Legislative Assembly of the State of Montana.

Repealing clause.

Section 3. Nothing herein contained shall be held or construed as an amendment or modification of Chapter 65, Laws of 1933.

Not to affect Chap. 65, Laws of 1933.

Section 4. That an emergency exists and this Act shall take effect from and after its final passage.

Emergency Act.

Approved January 8, 1934.

CHAPTER 34.

An Act to Permit School Districts Which Are Indebted to the Limit as Provided by the Constitution of the State of Montana to Operate on a Cash Basis.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In case the total indebtedness of a school district has reached the limit of three per centum (3%) provided in Section 6 of Article XIII of the Constitution of the State of Montana, it shall be lawful for said school district and it is hereby authorized and empowered to thereafter manage and conduct its business affairs on a

Authorizing school districts whose indebtedness has reached the limit to proceed on a cash basis.

Trustees must
set aside
funds to take
care of in-
debtedness.

cash basis and pay the reasonable and necessary current expenses of said school district out of the cash in the funds of such school district and derived from its current revenues, under such restrictions and regulations as may be imposed by the Board of Trustees of said district by resolution duly adopted and spread upon the minutes of the Board; provided, however, that the Trustees of said school district must set apart sufficient moneys to pay the interest upon its valid outstanding bonded indebtedness and any sinking funds therein provided for, and shall be authorized to pay all valid claims against funds raised by tax especially authorized by law for the purpose of paying such claims.

Section 2. This Act shall be in full force and effect immediately after its passage and approval.

Approved January 8, 1934.

CHAPTER 35.

An Act Providing for the Creation of the State Water Conservation Board; Prescribing its Powers and Duties; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition of Property Necessary Therefor; Authorizing the Issuance of Water Conservation Revenue Bonds of the State Payable Solely from the Revenues of Such Works and the Funds Received from the Sale or Disposal of Water and from the Operation, Lease, Sale or Other Disposition of the Works, Property and Facilities to be Acquired Out of the Proceeds of Such Bonds; Providing for a Lien Upon Bond Proceeds; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with This Act; Providing for Contracts with the United States; Declaring That No Debt of the State Shall be Incurred in the Exercise of Any of the Powers Granted by This Act; Providing for Purchase Condemnation; and Otherwise Acquiring Lands and Water Rights and for the Sale Thereof; Making an Appropriation; Repealing Chapter 155, of the Session Laws of 1931; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Water Conservation a State Purpose.** It is hereby declared that the public interest, welfare, convenience and necessity require the construction of a system of works, in the manner hereinafter provided, for the conservation, development, storage, distribution and utilization of water. The construction of said system of works, is, and is hereby declared to be, a single object; and the construction, operation and maintenance of said system of works, as herein provided for, is hereby declared to be in all respects for the welfare and benefit of the people of the state, for the improvement of their prosperity and living conditions; and the State Water Conservation Board hereinafter created shall be regarded as performing a governmental function in carrying out the provisions of this Act.

Purpose
of Act.

Section 2. **Definitions.** As used in this Act, the following words and terms shall have the following meanings:

Definitions.

(a) The word "Board" shall mean the State Water Conservation Board hereinafter created.

"Board."

(b) The word "works" shall be deemed to include all property, rights, easements and franchises relating thereto and deemed necessary or convenient for their operation, and shall embrace all means of conserving and distributing water, including, without limiting the generality of the foregoing, reservoirs, dams, diversion canals, distributing canals, lateral ditches and pumping units.

"Works."

(c) The term "cost of works" shall embrace the cost of construction, the cost of all lands, property, rights, easements and franchises acquired, which are deemed necessary for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period not exceeding three (3) years after the completion of construction, cost of engineering and legal expenses, plans, specifications, surveys, estimates of cost, and other expenses necessary or incident to determining the feasibility or practicability of any project, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the works and the placing of the same in operation.

"Cost of
works."

"Owner."

(d) The word "owner" shall include all individuals, irrigation districts, incorporated companies, societies or associations having any title or interest in any properties, rights, easements or franchises to be acquired.

"Project."

(e) The word "project" shall mean any one of the works hereinabove defined or any combination of such works which are physically connected or jointly managed and operated as a single unit.

State Water Conservation Board.

Section 3. State Water Conservation Board. There is hereby created a Board to be known as the "State Water Conservation Board", and by that name the Board may sue and be sued, plead and be impleaded, and contract and be contracted with. The Board shall consist of five (5) members, and the Governor and State Engineer shall be members ex-officio. The three (3) remaining members shall be qualified electors of the state and shall be appointed by the Governor. Immediately after the passage and approval of this Act, and before the adjournment of the present Legislative Assembly, the Governor shall appoint one (1) member whose term of office shall expire on the second (2) Monday in January, 1935, another member whose term of office shall expire on the second (2) Monday in January, 1937, and another member whose term of office shall expire on the second (2) Monday in January, 1939, and their successors shall be appointed for a term of six (6) years, except that any person appointed to fill a vacancy shall be eligible for reappointment. Any of the appointed members of the Board may be removed by the Governor at any time, and any vacancy caused by the death, removal, or resignation or disqualification of any appointed member shall be filled by appointment as hereinabove provided. Succeeding appointments, except when made to fill a vacancy, shall be made on or before the second (2) Monday in January during the biennial session of the Legislative Assembly preceding the commencement of the term for which the appointment is made. Before entering upon the discharge of his duties, each appointed member shall take, subscribe and file with the Secretary of State the oath prescribed by the Constitution.

Appointed by the Governor.**Terms of office of members.****Term for successors.****May be removed by the Governor.****When succeeding appointments shall be made.****Oath of office.****Governor shall be chairman.****Main office in Helena.**

The Governor shall be the Chairman of the Board and the Vice-Chairman shall be the Secretary and Treasurer of the Board. The Board shall maintain its principal office in the City of Helena and may maintain such

branch offices as it may determine. It shall elect a Vice-Chairman at its first meeting who shall preside at all meetings of the Board when the Chairman thereof is absent. It may provide for the holding of regular meetings and may hold a special meeting for the transaction of any business which may properly come before the Board at any time and at any place in the state upon the call of the Chairman or the Vice-Chairman or any two (2) members, notice of which may be given by telegram or by depositing in the mails at least forty-eight (48) hours before the meeting; but no notice shall be necessary if at least four (4) members of the Board shall be present. A majority in number of the members shall constitute a quorum and the affirmative or negative vote of three (3) members shall be necessary to bind the Board.

Elections of
Vice-Chairman.

Meetings.

How and by
whom special
meetings may
be called.

Quorum.

The Board shall have and adopt a seal bearing its name, which seal shall be affixed to such records and other instruments as it may direct, and all courts shall take judicial notice of said seal. It is authorized to adopt from time to time, as necessary or expedient, suitable rules and regulations for the administration of this Act. The Attorney General shall act as legal adviser for the Board and shall perform such legal services as the Board may request; he shall receive his actual and necessary expenses when engaged in travel in the performance of such services. With his consent the Board may employ additional legal counsel, and the Board may also appoint such technical and other assistants and employees as may be necessary to enable it to perform its duties and carry out the purposes of this Act, and may fix their compensation and secure such fidelity bonds as it may deem advisable.

Seal of
Board.

Attorney
General to
be legal
adviser.

When
additional
counsel may
be employed.

Other
employees.

Each appointed member of the Board shall receive, as compensation for his services, the sum of Ten Dollars (\$10.00) per day for each day actually engaged in the performance of the duties of his office, including time of travel between his home and the place at which he performs such duties, together with actual traveling and maintenance expenses while away from his home in the performance of the duties of his office. All such compensation and expenses shall be paid solely from the funds provided under the authority of this Act. The State Engineer shall exercise such powers and perform such duties, in addition to his regular duties as State

Compensation
of board.

Traveling
expenses.

State Engineer
may receive
additional
salary.

Engineer and as the Board shall prescribe, and may receive and be paid such additional salary for such additional duties as may be fixed by the Board.

Power to
acquire
property.

Power to
condemn.

Title to be
taken in the
name of the
board.

How to be
paid for.

Proceedings
under
condemnation.

Possession
not to be
delayed by
dispute.

Authorized
to construct
public works.

How to
be paid.

Section 4. Acquisition of Necessary Property. The Board shall have power to acquire by purchase, or exchange upon such terms and conditions and in such manner as it may deem proper, and to acquire by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, any land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of such works. Title to property purchased or condemned shall be taken in the name of the Board. The Board shall be under no obligation to accept and pay for any property condemned under this Act except from the funds provided by this Act, and in any proceedings to condemn, such orders may be made by the Court having jurisdiction of the suit, action or proceeding as may be warranted by law and the facts.

In condemnation proceedings brought under the powers of eminent domain for the purpose of carrying out the provisions of this Act, all persons interested in the title of or holding liens upon the property sought to be acquired as disclosed by the public records, shall be made parties, and the Court in such action shall partition and distribute the damages awarded, if any, among such persons as their rights are made to appear. In the event of controversy between them the Court may direct the amount of such damage awarded to be paid into Court to abide the result of further appropriate proceedings either at law or in equity.

The taking possession of the property sought to be condemned shall not be delayed by reason of any dispute between such rival claimants or the failure to join any of them as a party to said proceedings in condemnation.

Section 5. Construction of Works. The Board is hereby authorized to construct, whenever it shall deem such construction expedient, any public works as hereinabove defined, the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized and other funds provided under the authority of this Act. The Board is authorized to construct such public works in any section of the

state, but before constructing any project, the Board shall make estimates of the cost of the project, of the cost of maintaining, repairing and operating the same, and of the revenues to be derived therefrom, and no such project shall be constructed unless, according to such estimates, the revenues to be derived therefrom will be sufficient to pay the cost of maintaining, repairing and operating the same, and to pay the principal and interest of revenue bonds which may be issued for the cost of such project.

Board to make estimates of cost.

No project shall be constructed unless estimated revenue will pay costs.

The purpose of this Act is to meet, so far as possible, a state-wide need for the conservation and use of water, through the construction and operation of projects designed for such purposes. The Board is therefore empowered to make such investigations as may be necessary to plan and carry out a comprehensive state-wide program of water conservation. The projects to be finally constructed shall qualify as parts of such state-wide program and shall be approved by the Board upon the showing of their prospective ability to meet, through the sale of water or other services, the cost of operation, maintenance and repair and the amortization of the cost of the construction.

Purpose.

Board to make investigation and approve projects.

Section 6. Water Conservation Revenue Bonds. The Board is hereby authorized to provide, by resolution, at one time or from time to time, for the issuance of Water Conservation Revenue Bonds of the state for the purpose of paying the cost as hereinabove defined of any one or more such public works, the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall mature at such time, or times, not more than forty (40) years from their date, or dates, as may be fixed by such resolution, but may be made redeemable before maturity at the option of the state, to be exercised by the Board, at such price, or prices, and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the rate of interest such bonds shall bear, not exceeding six per centum (6%) per annum, the time, or times, of payment of such interest, the form of the bonds and the interest coupons to be attached thereto, and the manner of executing the bonds and coupons, and shall fix the denomination, or denominations, of the bonds and the place, or places, of payment of principal and interest thereof,

Water Conservation Revenue Bonds.

Purpose of bonds.

Date of maturity.

Rate of interest.

Form of bonds.

State not
liable for.

Validity of
signatures
to bond.

Negotiable.

Not debt
of state.

How
secured.

Registration
of bonds.

Sale of
bonds.

Price.

Disposition
of money
from bonds.

Additional
bonds.

which may be at any bank or trust company within or without the state. All bonds issued under this Act shall contain a statement on their face that the state shall not be obligated to pay the same or the interest thereon except from the special fund hereinafter set forth. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. All such bonds shall be and shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the state. Such bonds shall not constitute or be a debt, liability or obligation of the state, and shall be secured only by the revenues of such works and the funds received from the sale or disposal of water and from the operation, lease, sale or other disposition of the works, property and facilities to be acquired out of the proceeds of such bonds.

Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone or as to both principal and interest. The bonds authorized under the provisions of this Act may be issued and sold from time to time, and in such amounts as may be determined by the Board, and the Board may sell the bonds in such manner and for such price as it may determine to be for the best interests of the state, but no such sale shall be made for less than a price which, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, will show a net return of six per centum (6%) per annum to the purchaser upon the amount paid therefor. The proceeds of such bonds shall be used solely for the payment of the cost of the works and shall be checked out in such manner and under such restrictions, if any, as the Board may provide. If the proceeds of the bonds, by error of calculation or otherwise, shall be less than the cost of the works, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the Trust Indenture hereinafter mentioned or in the resolution authorizing the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued for the same

works. If the proceeds of bonds issued for any such works shall exceed the cost thereof, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the Board may under like restrictions issue temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. Such bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this Act or by the Constitution of the state.

Temporary bonds.

Each resolution providing for the issuance of bonds shall set forth the project or projects for which the bonds are to be issued, and the bonds authorized by each such resolution shall constitute a separate series. The bonds of each series shall be identified by a series letter or letters, and may be sold and delivered at one time or from time to time.

Resolution what to contain.

Section 7. **Lien Upon Bond Proceeds.** All moneys received from any bonds issued pursuant to this Act shall be applied solely to the payment of the cost of the works or to the appurtenant Sinking Fund and to the "Administration Fund" as hereinafter provided, and there shall be and hereby is created and granted a lien upon such moneys until so applied, in favor of the holders of the bonds or the Trustee hereinafter provided for in respect of such bonds.

Lien on proceeds.

Section 8. **Trust Indenture.** In the discretion of the Board, any series of such bonds may be secured by a Trust Indenture by and between the state and a Corporate Trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state; such Trust Indenture may, in the discretion of the Board, contain provisions for conveying in trust or mortgaging the works or any part thereof. Either the resolution providing for the issuance of bonds or such Trust Indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the state and the Board in relation to the acquisition, construction, improvement, maintenance, oper-

May be secured by a trust indenture.

Rights and remedies of bond holders.

What the resolution or time indenture may include.

ation, repair and insurance of the works, the custody, safeguarding and application of all moneys, and may provide that the works shall be acquired, constructed, or partly acquired and partly constructed, and paid for under the supervision and approval of consulting engineers employed or designated by the Board and satisfactory to the original purchasers of the bonds issued therefor, their successors, assigns, or nominees, who may be given the right to require that security given by contractors and by any depositary of the proceeds of the bonds or receipts and revenues of the works, or other moneys pertaining thereto, shall be satisfactory to such purchasers, successors, assigns, or nominees. Such resolution or indenture may set forth the rights and remedies of the bondholders and Trustee, restricting the individual right of action of bondholders as is customary in Trust Indentures securing bonds and debentures of corporations. All expenses incurred in carrying out such Trust Indenture may be treated as a part of the cost of maintenance, operation and repairs of the works affected by such indenture.

Expenses how
treated.

Various funds
to be created.

Section 9. **Funds.** The Board shall create a fund to be known as "Administration Fund" and shall also create three (3) separate funds in respect of the bonds of each series, one (1) fund to be known as the "Construction Fund, Series", another fund to be known as the "Water Fund, Series", and another fund to be known as the "Sinking Fund, Series", each such fund to be identified by the same series letter or letters as the bonds of such series. The moneys in each such fund shall be deposited in such depository or depositories and secured in such manner as may be determined by the Board. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the Board. A separate account shall be kept in each Construction Fund and in each Water Fund for each project. All expenditures not properly chargeable to the Construction Fund account or to the Water Fund account of any one project shall be charged by the Board in such proportions as it shall determine to the Construction Fund accounts or to the Water Fund accounts, as the case may be, of the projects in respect of which such expenditures were incurred.

How to be
secured.

Banks may be
depositories.

Section 10. **Construction Funds.** The proceeds of the bonds of each series issued under the provisions of this Act shall be placed to the credit of the appropriate Construction Fund, which fund shall at all times be kept segregated and set apart from all other funds. There shall also be credited to the appropriate Construction Fund all accrued interest upon the bonds and the interest received upon the deposits of moneys in such fund and moneys received by way of grant from the United States or from any other source for the construction of the works. The moneys in each Construction Fund shall be paid out or disbursed in such manner as may be determined by the Board, subject to the provisions of this Act, to pay the cost of the works as hereinabove defined. Any surplus which may remain in any Construction Fund after providing for the payment of the cost of the works shall be added to and become a part of the appropriate Sinking Fund hereinafter provided for.

Construction funds.

To be kept separate.

What shall be credited to this fund.

How money to be paid out.

Disposition of the surplus.

Section 11. **Water Funds.** The Board is hereby authorized and empowered, subject to the provisions of this Act, to fix and establish the prices, rates and charges at which any and all the resources and facilities made available under the provisions of this Act shall be sold and disposed of; to enter into any and all contracts and agreements, and to do any and all things which in its judgment are necessary, convenient or expedient for the accomplishment of any and all the purposes and objects of this Act, under such general regulations and upon such terms, limitations and conditions as it shall prescribe; and it is and shall be the duty of the Board to enter into such contracts and fix and establish such prices, rates and charges so as to provide at all times funds which will be sufficient to pay all costs of operation and maintenance of any and all of the works authorized by this Act, together with necessary repairs thereto, and which will provide at all times sufficient funds to meet and pay the principal and interest of all bonds as they severally become due and payable; provided, that nothing contained in this Act shall authorize any change, alteration or revision of any such rates, prices or charges as established by any contract entered into under authority of this Act except as provided by any such contract.

Water funds.

Power to fix prices, rates, etc.

How rates shall be determined.

Every contract made by the Board for the sale of water, use of water, water storage or other service, or for the sale of any property or facilities, shall provide that

What contracts for sale of water, etc., shall provide.

in the event of any failure or default in the payment of any moneys specified in such contract to be paid to the Board, the Board may, upon such notice as shall be prescribed in such contract, terminate such contract and all obligations thereunder. The act of the Board in ceasing on any such default to furnish or deliver water, use of water, water storage or other service under such contract shall not deprive the Board of, or limit any remedy provided by such contract or by law for the recovery of any and all moneys due or which may become due under such contract.

Right to sue
for money
due.

Right to sell
or lease.

Disposition of
money from
sale, etc.

The Board is empowered to sell or otherwise dispose of any rights of way, easements or property when it shall determine that the same is no longer needed for the purposes of this Act, or to lease or rent the same or to otherwise take and receive the income or profit and revenue therefrom. All income or profit and revenue of the works and all moneys received from the sale or disposal of water, use of water, water storage, or other service, and from the operation, lease, sale or other disposition of the works, property and facilities acquired under the provisions of this Act, shall be paid to the credit of the appropriate Water Fund.

Sinking
funds.

Money in
Sinking Fund
to be used
how.

May purchase
outstanding
bonds.

Section 12. **Sinking Funds.** The Board shall provide, in the proceedings authorizing the issuance of each series of bonds or in the Trust Indenture securing the same, for the paying into the appropriate Sinking Fund at stated intervals all moneys then remaining in the Water Fund, after paying all costs of operation, maintenance and repairs of the works. All moneys in each Sinking Fund shall be pledged for the payment of and used only for the purpose of paying (a) the interest upon the bonds as such interest shall fall due, and (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the principal of the bonds as they fall due, and (d) any premiums upon bonds retired by call or purchase as herein provided. Prior to the issuance of the bonds of each series, the Board may provide by resolution or by such Trust Indenture for using the Sinking Fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all bonds redeemed or purchased shall forthwith be cancelled and no bonds shall be issued in place thereof.

The moneys in each Sinking Fund, less such reserve as may be provided for in the resolution authorizing the bonds or in the Trust Indenture for the payment of interest and/or principal, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds then subject to redemption at the redemption price then applicable.

May redeem bonds.

Section 13. **Contracts with the United States.** Notwithstanding any provisions of this Act to the contrary, the Board is empowered to enter into contracts and leases with the United States of America, its instrumentalities or agencies, or any thereof, for the purpose of financing the construction of any works authorized by this Act, and may in such contracts or leases authorize the United States, its instrumentalities or agencies, to supervise and approve the construction, maintenance and operation of such works, or any project or portion thereof, until such times as any money expended, advanced or loaned by said United States, its instrumentalities or agencies, and agreed to be repaid thereto by said Board, shall have been fully repaid. It is the purpose and intent of this Act that the Board shall be authorized, and is hereby authorized and empowered, to accept cooperation from the United States of America, its instrumentalities and agencies, in the construction, maintenance and operation and in financing the construction, of any works authorized by this Act, and the Board shall have full power to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under Federal legislation now or hereafter enacted by Congress.

Power to contract with Federal agencies.

May allow U. S. to supervise.

To co-operate with U. S.

To do all things necessary to avail itself of U. S. aid.

Section 14. **Powers and Duties of Board.** The Board shall keep full and complete accounts concerning all matters and things relating to the works and annually shall prepare balance sheets and income and profit and loss statements showing the financial condition of each project, and file copies thereof with the Secretary of State. All books and papers pertaining to all matters provided for in this Act shall at all reasonable times be open to the inspection of any party interested or any citizen of the state. Except as otherwise provided in this Act, the Board shall have full charge and control of the construction, operation and maintenance of the works and the collection of all rates, charges and revenues of what-

Duty to keep accounts and file copies thereof.

All books and papers shall be open to inspection.

Board to proceed immediately upon receiving funds.

Power to sell water, etc.

Full control over State water.

Power to maintain suits.

Purposes.

Expenses of such actions.

Bond of Secretary-Treasurer.

soever character therefrom. The Board shall proceed immediately with the construction of the works upon funds being made available therefor and shall prosecute such works to completion as rapidly as possible. The Board shall have power to sell, lease and otherwise dispose of all waters which may be impounded under the provisions of this Act, and such water may be sold for the purpose of irrigation, development of power, watering of stock or any other purpose. To the extent that it may be necessary to carry out the provisions of this Act, and subject to a compliance with the other provisions of this Act, the Board shall have full control of all the water of the state not under the exclusive control of the United States and not vested in private ownership, and it shall be its duty to take such steps as may be necessary to appropriate and conserve the same for the use of the people.

The Board shall have power to institute in any of the Courts of this state, or in any other state, or in any of the Federal Courts of this state or any other state, any actions, suits, and special proceedings necessary to enable it to acquire, own, and hold title to lands for dam sites, reservoir sites, water rights, rights of way for diversion and distributing canals, and lateral ditches, and other means of distribution of water, and may also in all said Courts institute, maintain, and prosecute to final determination any and all actions, suits and special proceedings necessary to have the water rights adjudicated upon any stream or source of water supply from which is derived the water for such reservoir, diversion and distributing canals, lateral ditches and other means of distribution of the water; and said Board may join any and all owners of waters heretofore appropriated by any person, association or corporation from any of the streams of the State of Montana, so that adjudication may be had of all surplus water upon all the streams and sources of water supply of any project so constructed by said Board. All costs and expenses of such actions, suits or special proceedings shall be paid by said Board out of funds provided under the authority of this Act.

The Vice-Chairman of the Board, who shall act as Secretary and Treasurer, shall furnish a bond in the form and to the amount that shall be required by said Board.

Section 15. **Actions by Trustee and Bondholders.** Any holder of any bonds issued under the provisions of this Act or any of the coupons attached thereto, and the Trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the Trust Indenture, may, either at law or in equity, by suit, action, mandamus or other proceeding, including proceedings for the appointment of a receiver, protect and enforce any and all rights granted hereunder or under such resolution or Trust Indenture and may enforce and compel performance of all duties required by this Act or by such resolution or Trust Indenture to be performed by the Board. While any bonds issued by the Board remain outstanding the powers, duties or existence of the Board or any official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds.

Right of Bondholders and Trustees to enforce rights.

Right of holders not to be impaired.

Section 16. **Appropriation.** There is hereby created a special fund to be known as "Administration Fund", into which fund there is hereby appropriated out of any money in the Treasury of the state, not otherwise appropriated, the sum of One Hundred Thousand Dollars (\$100,000.00); provided, however, that such appropriation shall be deemed and held valid notwithstanding the provisions of the Budget Act. All general administrative expenses of the Board and the cost of investigations as authorized in Section 5, of this Act, shall be paid from the Administration Fund and also the cost of all preliminary work on any project and all expenses directly chargeable to such project, prior to the receipt of the proceeds of bonds, shall be paid from the Administration Fund. The amount of all such expenses on account of any project or projects and such part of the general administrative expenses of the Board and of the cost of investigation or investigations as shall be properly chargeable, in the opinion of the Board, to such project or projects, shall be reimbursed to the Administration Fund upon the receipt of the proceeds of bonds issued for such project or projects. No liability or obligation shall be incurred under the provisions of this Act beyond the extent to which money shall have been provided under the authority of this Act. All public or private property damaged or destroyed in carrying out the powers granted under this Act shall be restored or repaired

Administration Fund.

Amount of appropriation.

What shall be paid from this fund.

This fund shall be reimbursed when money is available.

Right of private and public property.

and placed in their original condition, as nearly as practicable, or adequate compensation made therefor out of funds provided by this Act.

Board to receive contributions and appropriations.

The Board shall also have authority to receive and accept appropriations and contributions from any source of either money or property or other things of value, to be held, used, and applied for the purposes in this Act provided.

How and what water may be appropriated.

Section 17. In acquiring the rights and administering the terms of this Act herein prescribed and established, the Board shall not be limited to the terms of the statutes of the State of Montana relating to water rights heretofore enacted; but, in addition thereto, may initiate a right to the waters of this state by executing a declaration in writing of the intention to store, divert or control the unappropriated waters of a particular body, stream or source, designating and describing in general terms such waters claimed, means of appropriation and location of use, and cause said notice to be filed in the office of the County Clerk and Recorder of the county where the major portion of the means of diversion or control will be located, which right shall vest in such Board on the date of the filing of such declaration. It shall be the duty of the County Clerk and Recorder of each county of the State of Montana on presentation to receive, record and index such declaration, without charge, in the manner prescribed by law relating to notice of water rights.

Notice to be filed.

To be recorded without charge.

A certified copy of the record of said declaration shall be received as competent evidence in all Courts and deemed to be prima facie proof of all matters therein recited.

Date of right.

The priority of right shall date and continue from the time of such filing or recording, provided the means of actual appropriation shall be commenced by actual work of construction within two (2) years from the date of original recording. Change in means or place of diversion or control shall not affect the right of priority, if others are not thereby injured.

Extent of water right.

Section 18. The right of the Board to the waters within the State of Montana so acquired as hereinbefore provided for the purpose defined in this Act shall attach at and from their source and while flowing in the stream

travelling to the means of control as well as when actually confined by such means. That the authority and jurisdiction of the Board shall continue over said waters after they are released for purposes of use and continues to such places of use and through and by officers and agents acting under its authority may continue to exercise and assert actual possession over the corpus of such waters and prevent the diversion thereof without permission first obtained. The Board may reclaim and possess all waters furnished or supplied by it seeping or overflowing from the previous place of use.

Section 19. Wherever natural streams are employed as a means of diversion of water from the place of confinement to the place of use, the Board shall adopt proper methods and means for determining the natural flow of such streams when the amount of such natural flow is insufficient to satisfy or fill the needs of appropriators prior in right.

Protection of
prior water
rights.

All appropriators of the natural flow of said streams shall maintain headgates and measuring devices at their respective points of diversion for the purpose of enabling the Board or its authorized agents to determine the amount of water being diverted at any time and authority is hereby conferred upon the Board to adopt and exercise any method or act to prevent the diversion of any waters owned by it without permission first obtained.

Appropriators
to maintain
headgates
and measuring
devices.

Any person owning a water right on said stream may agree with the Board that it shall have control of the diversion of the waters due such right, and, in such event, the Board through its officers and agents may exercise the same authority over the waters due said appropriator and cause them to be delivered to him in the same manner as waters appropriated by the Board.

Person owning
right may
grant control
to Board.

Section 20. For the purpose of obtaining financial aid from the United States of America, the Board may adjust the plans and operation of any project, created under this Act, to conform to the laws and regulations of the Federal Government and the supervision of any board, bureau or commission constituted under such authority, and may exercise such powers whenever conferred.

May adjust
to conform to
regulation
of U. S.

Section 21. The authority of the Board conferred by the provisions of this Act shall extend and be applied to any and all rights to the natural flow of the waters

Authority of
the Board over
state water.

of this state which it may acquire by condemnation, purchase, exchange, appropriation or agreement.

Access to other
water rights.

For the purpose of regulating the diversion of such waters, the Board may enter upon the means and place of use of all appropriators for making surveys of respective rights and seasonal needs.

Consideration
shall be given
decreed rights.

The Board may take into consideration the decrees of the Courts of this state having jurisdiction, which purport to adjudicate the waters of any such stream or its tributaries, and a fair, reasonable, equitable reconciliation shall be made between the claimants asserting rights under different decrees and between decreed rights and asserted rights of appropriation not adjudicated by any Court.

Board may
hold meetings
after notice
to discuss
use of water
with appropriators.

The Board, at its discretion, may hold hearings relating to the rights of respective claimants after first giving such notice as it deems appropriate, and make findings of the date and quantity of appropriation and use of all claimants which the Board will recognize and observe in diverting the waters which it owns. The Board may police and distribute to the owner of any such recognized appropriation the waters due him upon request and under terms agreed upon.

Police
power.

The Board, when engaged in controlling and dividing the natural flow of any stream under the authority granted by this Act, shall be deemed to be exercising a police power of the State of Montana, and water commissioners appointed by any Court shall not have any authority or jurisdiction to deprive the Board of any of the waters owned or administered under agreement with respective owners, provided the owner of any prior right contending that the Board is not recognizing and respecting such appropriation may resort to a Court of Equity for the purpose of determining whether or not the rights of said claimant have been invaded and the Board shall observe the terms of such final decree.

Right of
appropriator
to resort to
courts.

On the Board impounding or acquiring the right of appropriation of the waters of any stream, it may divert or authorize the diversion at any point on said stream, or any portion thereof, when the same may be done without injury to any prior appropriator.

Where water
may be
diverted.

Not to
change
existing
water law.

Nothing herein contained shall repeal, amend, or modify any existing Acts or Statutes pertaining to the appropriation or use of water except as herein otherwise

expressly provided, and nothing herein contained shall be deemed to interfere with any vested rights to the use of water.

Section 22. **Act Liberally Construed.** This Act, being necessary for the welfare of the state and its citizens, shall be liberally construed to effect the purposes hereof.

Liberal
construction.

Section 23. **Provisions of This Act Severable.** The sections and provisions of this Act are severable and are not matters of mutual essential inducement, and it is the intention to confer the whole or any part of the powers herein provided for, and if any section or provision or part thereof is for any reason held to be unconstitutional, void or inoperative, it is the intention that the remaining sections and provisions and parts thereof shall remain in full force and effect.

Saving
clause.

Provisions
severable.

Section 24. **Repeal.** Chapter 155, of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana, 1931, entitled "An Act Creating a Mississippi Valley Water Conservation Commission", be, and the same is hereby repealed.

Repealing
clause.

Section 25. **Emergency.** Because of the inability of thousands of citizens throughout the state to find employment and to support themselves and their families in the present depression, and because of serious crop failures resulting from unprecedented drought conditions, it is necessary to proceed immediately with the construction of the works authorized by this Act in order to create employment, assist the growing of crops and prevent irreparable injury to the people of the state. An emergency is hereby declared to exist, and this Act shall not be subject to the referendum, and shall be in full force and effect from and after its passage and approval.

Emergency
Act.

Approved January 9, 1934.

CHAPTER 36.

An Act to Amend Section 10, of Chapter 24, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly, Being "An Act to Provide Emergency Relief by Employment by Authorizing Counties, Cities, Towns, Rural Improvement Districts,

School Districts and Any Other Political Subdivisions, or Any Other Governmental Agencies of the State to Make Loans, Convey Lands, Accept Grants from the President of the United States and from the State of Montana, to Borrow Money and to Enter Into Contracts and Arrangements for the Construction of Public Works."

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 10, of Chapter 24, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly, be, and the same is hereby amended to read as follows:

Act to expire
March 30, 1935.

Saving
clause.

"Section 10. An emergency exists and this Act shall take effect and have force from and after its passage; but this Act shall expire and stand repealed on March 30, 1935. This Act shall not repeal any statute now in force nor prevent the exercise of powers as elsewhere in the statutes of this state provided. It shall constitute an additional method of carrying out the powers herein authorized."

Section 2. This Act shall be in full force and effect immediately after its passage and approval.

Approved January 9, 1934.

CHAPTER 37.

An Act Providing for the Sale of Lands Owned or to be Owned by the State of Montana and Needed by the United States in the Construction of Projects for Flood Control, River Regulation, Conservation of Water, Irrigation and Reclamation Works, Reserving to the State of Montana Mineral Rights in Such Lands; Providing the Method of Determining the Value Thereof and the Prices to be Paid the State of Montana by the United States Therefor; Making This Procedure for the Sale of State Lands Applicable to the Sale of State Lands for Projects Financed by the United States Under the Administration of the State Water Conservation Board; Granting Easements to the United States for Rights of Way Over Lands Owned by the State of Montana for Ditches, Canals, Tunnels, Tele-

phone and Telegraph Lines Constructed or to be Constructed in Furtherance of the Reclamation of Arid Lands, and Amending Section 56, of Chapter 60, Laws of the Twentieth Legislative Assembly of the State of Montana, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 56, of Chapter 60, Laws of the Twentieth Legislative Assembly, shall be amended to read as follows: Any land now or hereafter owned by the State of Montana and needed by the United States in the construction of projects for the control of floods, river regulation, conservation of water, irrigation and reclamation works, shall, upon application to the State Board of Land Commissioners, be sold and conveyed to the United States at the price per acre fixed thereon by the Board of Appraisers appointed by the United States to appraise and value lands to be included within such projects and needed by the United States in the construction thereof; subject, however, to the approval of the State Board of Land Commissioners and the price limitations of the Enabling Act and the State Constitution.

Amending clause.

Purpose for which state lands may be sold to U. S.

Price per acre.

Approval necessary.

There is hereby granted to the United States over all the lands now owned or hereafter acquired by the State of Montana, an easement for right of way for ditches, canals, tunnels, telephone and telegraph lines now constructed or to be constructed by the United States Government in furtherance of the reclamation of arid lands.

Easement granted U. S. over state lands.

All conveyances of state lands shall contain a reservation of such rights of way easements. It is further provided that whenever said lands herein granted as rights of way shall cease to be used for such purpose, the same shall revert to the State of Montana, upon notice to that effect being given to the proper authorities.

Conveyances of state lands shall reserve this easement.

Section 2. The mineral reservations now applying to sale of lands received through grants from the United States shall apply to all lands sold to the United States under this Act, but all prospecting and exploration for minerals therein, the mining and removal thereof and all operations carried on in connection therewith, must be carried on in such manner and under such regulations

Mineral reservations shall apply to lands sold to U. S.

that they will not interfere with the use of the lands for the purposes for which they have been purchased by the United States.

Appraisal of
lands needed
by U. S.

Section 3. Lands needed by the United States for any of the aforesaid purposes may be appraised or reappraised without appraising the remaining state lands in the county in which they are located. The lands shall be appraised at their full market value.

Provisions
to apply to
sale of lands
under State
Water Board.

Section 4. The provisions of this Act governing the sale of state lands to the United States shall also apply to the sale of state lands for projects financed by the United States under the administration of the State Water Conservation Board, except as to appraisal by the United States.

Repealing
clause.

Section 5. All other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved January 11, 1934.

CHAPTER 38.

An Act to Amend Section 1760, of the Revised Codes of Montana for 1921, as Amended by Section 1, of Chapter 103, of the Montana Session Laws of 1933, and to Repeal Section 3, of Chapter 158, Session Laws of 1931, Relating to Registration and Registration Fees of Motor Vehicles and Dealers Thereof, and Distribution of the Revenues Received Therefrom.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 1, of Chapter 103, Montana Session Laws of 1933, be, and the same is hereby amended so as to read as follows:

Fees for
motor
vehicles.

“Section 1. **Registration Fees.** Registration fees shall be paid upon registration or re-registration of motor vehicles, trailers, semi-trailers and dealers in motor vehicles or automobile accessories in accordance with this Act, as follows:

Dealers in motor vehicles other than motorcycles, a minimum fee of Thirty Dollars (\$30.00) which shall entitle such dealer to two (2) sets of number plates, and Five Dollars (\$5.00) additional fee for each additional set of number plates up to six (6) sets, and Two Dollars (\$2.00) additional fee for each additional set of number plates, as may be applied for by such dealer; provided, that each dealer be required to furnish the Registrar of Motor Vehicles a statement showing the makes of motor vehicles handled by him, and the total number of each make sold by him during the preceding year, and that he not be issued a license unless he so conforms;

Dealers fees.

Statement required as to cars handled and the number sold.

Dealers in motorcycles, Fifteen Dollars (\$15.00);

Dealers in automobile accessories, except automobile dealers, Ten Dollars (\$10.00);

Auto accessories.

Motor vehicles, weighing twenty-eight hundred and fifty (2850) pounds or under, other than motor trucks, Five Dollars (\$5.00);

2850 lbs. or under.

Motor vehicles weighing over twenty-eight hundred and fifty (2850) pounds, other than motor trucks, Ten Dollars (\$10.00);

Over 2850 lbs.

Electrically driven passenger vehicles, Ten Dollars (\$10.00);

Electric cars.

All motorcycles, Two Dollars (\$2.00);

Motorcycles.

Trucks of one (1) ton capacity or under, Five Dollars (\$5.00);

Trucks.
1 ton or under.

Trucks over one (1) ton and up to and including one and one-half (1½) tons capacity, Ten Dollars (\$10.00);

Over 1 ton and up to 1½ tons.

Trucks over one and one-half (1½) tons and up to and including two (2) tons capacity, Twenty-two Dollars and Fifty Cents (\$22.50);

Over 1½ tons and up to 2 tons.

Trucks over two (2) tons and less than three (3) tons capacity, Thirty-seven Dollars and Fifty Cents (\$37.50);

Over 2 tons.

Trucks of three (3) tons and less than five (5) tons capacity, Sixty Dollars (\$60.00);

Over 3 tons.

Trucks of five (5) tons capacity and over, Two Hundred Dollars (\$200.00);

Over 5 tons.

Busses shall be classed as motor trucks and licensed accordingly;

Busses.

Trailers.	Trailers and semi-trailers, over one thousand (1000) pounds and not over one (1) ton, Two Dollars (\$2.00);
	Trailers and semi-trailers, over one (1) ton, Five Dollars (\$5.00);
25% higher when not equipped with pneumatic tires.	All rates to be twenty-five per cent (25%) higher for motor vehicles, trailers and semi-trailers, when not equipped with pneumatic tires;
Bicycles.	Bicycles with motor attachment, One Dollar (\$1.00).
Disposition of funds.	All license or registration fees collected by the County Treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The cost of making and mailing license plates and identification marks, certificates and other expenses of operating the motor vehicles department of the State of Montana shall be prorated by the Registrar of Motor Vehicles among the counties of the state in proportion to the number of cars registered in each county, and he shall bill each county therefor, by verified claim, and each county shall thereupon pay the amount so charged out of said motor vehicle license fund; provided, however, that each county shall receive credit for its pro rata share of any fees paid to the Registrar of Motor Vehicles, and provided further that the County Treasurer shall retain ten per cent (10%) of all license fees in said motor vehicle fund until he has been billed by the Registrar as aforesaid. The remainder of the funds in said motor vehicle license fund shall be used as follows:
Costs to be pro-rated among counties.	
Registrar to bill counties.	
10% to be retained until billed.	
Distribution and use of balance of funds.	(a) Fifty per cent (50%) of the net fees derived from the registration of motor vehicles, the owners of which, reside within the boundaries of any incorporated city of the State of Montana, having a population of thirty-five thousand (35,000), or more, according to Federal Census of 1930, shall be held by County Treasurer and segregated from other county road funds and be designated as 'City Road Fund', to be used in city from which fees were derived for the construction of permanent streets within the incorporated limits of such city.
City Road Fund.	(b) The fees held in the City Road Fund, as hereinabove provided, shall be used by the City Council of such city having the population of thirty-five thousand (35,000), or more, according to the Federal Census of 1930, only for the construction of permanent highways
How to be used.	

and streets within the boundaries of such incorporated city. Provided, that all construction of public highways and streets, the cost of which is to be paid out of the fund derived from the license fees as herein provided, shall be under the supervision of the County Surveyor of the county within whose boundaries such city is situated, subject to the control of the said City Council and Surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and provided further, that the cost of supervision of the County Surveyor shall not exceed five per cent (5%) of the cost of said work.

How to be supervised.

Cost of supervision.

(c) The net fees derived from the registration of motor vehicles shall be by the Registrar of Motor Vehicles transmitted to, and paid over to the County Treasurer of the county from which the registration fee came, such fees excepting apportionment to City Road Fund, to be used by said county for the construction, repair and maintenance of all public highways, except state and Federal highways, within the boundaries of said county, including city streets forming component parts of arterial highways within the corporate cities of less population than thirty-five thousand (35,000), according to the Federal Census of 1930, within the boundaries of said county.

Net fees to go to county for roads, etc.

If any dealer, or motor vehicle, or trailer, or semi-trailer is originally registered six (6) months after the time of registration as set by law, the registration fee for the remainder of such year shall be one-half ($\frac{1}{2}$) of the regular fee above given.

Registration after 6 months to be $\frac{1}{2}$ of fee.

A dealer in motor vehicles or automobile accessories who shall maintain more than one (1) place of business or who shall maintain any branch establishment or establishments, must register and pay a registration fee for each such place of business or establishment.

Dealer to pay fee for each place of business.

A registered dealer, who may sell or dispose of his entire business to any other person, may have his certificate of registration transferred to such purchaser upon filing with the Registrar of Motor Vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of One Dollar (\$1.00), the Registrar of Motor

Dealers certificate may be transferred.

Procedure for transfer.

**Limitations
on transfer.**

Vehicles shall note upon the Registration Record of such dealer the change of ownership. But no certificate of registration can be transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

**Not appli-
cable to
government
cars.**

The provisions of this Act with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semi-trailers owned or controlled by the United States of America or any state, county or city, but in all other respects the provisions of this Act shall be applicable to and binding upon motor vehicles, trailers and semi-trailers."

**Saving
clause.**

Section 2. If any section or part of any section of this Act shall for any reason be held to be invalid, such holding shall not in any manner affect or invalidate the remaining portions of this Act.

**Repealing
clause.**

Section 3. Section 3, of Chapter 158, Session Laws of 1931, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 39.

An Act Designating the State Water Conservation Board as the State Planning Board and Defining its Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

**State Water
Conservation
Board to be
State Plan-
ning Board.**

Section 1. The State Water Conservation Board is hereby designated as the State Planning Board and is hereby empowered, authorized, and directed to act for such purpose. It shall cooperate with the National Planning Board or other similar agencies of the United States Government and with similar Planning Boards of other states in formulating a comprehensive plan for the de-

velopment of the conservation of water and maintenance of stream flow within the State of Montana, and such State Planning Board shall act and function without any expense to the State of Montana. Purpose.

Section 2. The State Planning Board shall prepare a report of its activities and submit the same to the next regular meeting of the State Legislative Assembly of the State of Montana. To prepare a report and submit to next session.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 40.

An Act to Amend Sections 2, and 28, of Chapter 181, of the Laws of Montana, 1933, Regulating Rate of Personal Income Tax to be Paid, and Distribution of Said Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2, of Chapter 181, of the Laws of Montana, 1933, be, and the same is hereby amended to read as follows: Amending clause.

"Section 2. There shall be levied, collected and paid for each taxable year upon the net income of every individual subject to this tax, after making allowance for exceptions and deductions, as hereinafter provided, a tax at the following rates, to-wit: Income tax rates.

(a) On the first Two Thousand Dollars (\$2,000.00) of net income, or any part thereof, at the rate of one per centum (1%); 1st \$2,000.

(b) On the second Two Thousand Dollars (\$2,000.00) of net income, or any part thereof, at the rate of two per centum (2%); 2nd \$2,000.

(c) On the third Two Thousand Dollars (\$2,000.00) of net income, or any part thereof, at the rate of three per centum (3%); 3rd \$2,000.

(d) On any net income in excess of Six Thousand Dollars (\$6,000.00) at the rate of four per centum (4%); Excess of \$6,000.

Surtax rates.

(e) There shall also be levied and collected and paid for each taxable year upon the net income of each individual a surtax as follows:

1st \$2,000. On the first Two Thousand Dollars (\$2,000.00), no surtax;

In excess of \$2,000 and not in excess of \$4,000. Upon net incomes in excess of Two Thousand Dollars (\$2,000.00), and not in excess of Four Thousand Dollars (\$4,000.00), one per centum (1%) of such excess;

\$4,000-\$6,000. Upon net incomes in excess of Four Thousand Dollars (\$4,000.00), and not in excess of Six Thousand Dollars (\$6,000.00), two per centum (2%) of such excess;

\$6,000-\$8,000. Upon net incomes in excess of Six Thousand Dollars (\$6,000.00), and not in excess of Eight Thousand Dollars (\$8,000.00), three per centum (3%) of such excess;

\$8,000-\$10,000. Upon net incomes in excess of Eight Thousand Dollars (\$8,000.00), and not in excess of Ten Thousand Dollars (\$10,000.00), four per centum (4%) of such excess;

\$10,000-\$12,000. Upon net incomes in excess of Ten Thousand Dollars (\$10,000.00), and not in excess of Twelve Thousand Dollars (\$12,000.00), five per centum (5%) of such excess;

\$12,000-\$14,000. Upon net incomes in excess of Twelve Thousand Dollars (\$12,000.00), and not in excess of Fourteen Thousand Dollars (\$14,000.00), six per centum (6%) of such excess;

\$14,000-\$16,000. Upon net incomes in excess of Fourteen Thousand Dollars (\$14,000.00), and not in excess of Sixteen Thousand Dollars (\$16,000.00), seven per centum (7%) of such excess;

\$16,000-\$18,000. Upon net incomes in excess of Sixteen Thousand Dollars (\$16,000.00), and not in excess of Eighteen Thousand Dollars (\$18,000.00), eight per centum (8%) of such excess;

\$18,000-\$20,000. Upon net incomes in excess of Eighteen Thousand Dollars (\$18,000.00), and not in excess of Twenty Thousand Dollars (\$20,000.00), nine per centum (9%) of such excess;

\$20,000-\$22,000. Upon net incomes in excess of Twenty Thousand Dollars (\$20,000.00), and not in excess of Twenty-two Thousand Dollars (\$22,000.00), ten per centum (10%) of such excess;

Upon net incomes in excess of Twenty-two Thousand Dollars (\$22,000.00), and not in excess of Twenty-four Thousand Dollars (\$24,000.00), eleven per centum (11 %) of such excess; \$22,000-
\$24,000.

Upon net incomes in excess of Twenty-four Thousand Dollars (\$24,000.00), and not in excess of Twenty-eight Thousand Dollars (\$28,000.00), twelve per centum (12 %) of such excess; \$24,000-
\$28,000.

Upon net incomes in excess of Twenty-eight Thousand Dollars (\$28,000.00), and not in excess of Thirty-two Thousand Dollars (\$32,000.00), thirteen per centum (13 %) of such excess; \$28,000-
\$32,000.

Upon net incomes in excess of Thirty-two Thousand Dollars (\$32,000.00), and not in excess of Thirty-six Thousand Dollars (\$36,000.00), fourteen per centum (14 %) of such excess; \$32,000-
\$36,000.

Upon net incomes in excess of Thirty-six Thousand Dollars (\$36,000.00), and not in excess of Forty Thousand Dollars (\$40,000.00), fifteen per centum (15 %) of such excess; \$36,000-
\$40,000.

Upon net incomes in excess of Forty Thousand Dollars (\$40,000.00), and not in excess of Forty-four Thousand Dollars (\$44,000.00), sixteen per centum (16 %) of such excess; \$40,000-
\$44,000.

Upon net incomes in excess of Forty-four Thousand Dollars (\$44,000.00), and not in excess of Forty-eight Thousand Dollars (\$48,000.00), seventeen per centum (17 %) of such excess; \$44,000-
\$48,000.

Upon net incomes in excess of Forty-eight Thousand Dollars (\$48,000.00), and not in excess of Fifty-two Thousand Dollars (\$52,000.00), eighteen per centum (18 %) of such excess; \$48,000-
\$52,000.

Upon net incomes in excess of Fifty-two Thousand Dollars (\$52,000.00), and not in excess of Fifty-six Thousand Dollars (\$56,000.00), nineteen per centum (19 %) of such excess; \$52,000-
\$56,000.

Upon net incomes in excess of Fifty-six Thousand Dollars (\$56,000.00), and not in excess of Sixty Thousand Dollars (\$60,000.00), twenty per centum (20 %) of such excess; \$56,000-
\$60,000.

\$60,000-
\$64,000.

Upon net incomes in excess of Sixty Thousand Dollars (\$60,000.00), and not in excess of Sixty-four Thousand Dollars (\$64,000.00), twenty-one per centum (21%) of such excess;

\$64,000-
\$70,000.

Upon net incomes in excess of Sixty-four Thousand Dollars (\$64,000.00), and not in excess of Seventy Thousand Dollars (\$70,000.00), twenty-two per centum (22%) of such excess;

\$70,000-
\$80,000.

Upon net incomes in excess of Seventy Thousand Dollars (\$70,000.00), and not in excess of Eighty Thousand Dollars (\$80,000.00), twenty-three per centum (23%) of such excess;

\$80,000-
\$100,000.

Upon net incomes in excess of Eighty Thousand Dollars (\$80,000.00), and not in excess of One Hundred Thousand Dollars (\$100,000.00), twenty-four per centum (24%) of such excess;

In excess of
\$100,000.

Upon net incomes upwards in excess of One Hundred Thousand Dollars (\$100,000.00), twenty-five per centum (25%) of such excess;

To start
from 1934.

Such tax shall first be levied, collected and paid in the year Nineteen Hundred and Thirty-four with respect to the taxable income for the calendar year Nineteen Hundred Thirty-three, or in the case of any taxable year ending during the year Nineteen Hundred and Thirty-three, the portion of such taxable year beginning January first, Nineteen Hundred and Thirty-three."

Amending
clause.

Section 2. That Section 28, of Chapter 181, of the Laws of Montana, 1933, be, and the same is hereby amended to read as follows:

Disposition
of revenue.

"Section 28. The State Treasurer shall deposit forty per centum (40%) of the taxes paid under this Act to the General Fund, twenty per centum (20%) to the Common School Interest and Income Fund, twenty per centum (20%) to the Common School Equalization Fund, and twenty per centum (20%) thereof, to the Emergency Relief Fund. After March 31, 1935, the State Treasurer shall deposit fifty per centum (50%) of the taxes paid under this Act to the General Fund, and twenty-five per centum (25%) to the Common School Interest and Income Fund, and twenty-five per centum (25%) thereof to the Common School Equalization Fund.

The revenue so produced shall be taken account of by the State Legislature in making the annual levy for state purposes. It is the expressed intention of this Act that the revenue derived hereunder shall reduce by corresponding amount the direct tax levy which the state would otherwise make for state purposes."

Shall control annual levy.

Section 3. This Act shall be in full force and effect immediately after its passage and approval.

Approved January 16, 1934.

CHAPTER 41.

An Act to Provide a License Tax on All Persons, Associations or Corporations Owning or Operating a Telegraph Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That on and after the first day of January, 1934, there is hereby levied and shall be collected an annual tax of one per cent (1%) of the gross income derived from business within this state including the transmission of telegraph messages in this state, over telegraph lines in this state owned by any person, association or corporation; provided, however, that no bill, statement or account rendered or given any customer shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act. Such annual license tax shall be paid in quarterly installments for the quarters ending respectively March 31, June 30, September 30, and December 31, in each year.

1% tax on gross income of telegraph business.

Not to be set out on customers account.

Section 2. Each and every person, association or corporation engaged in carrying on such business in this state shall, within thirty (30) days after the end of each quarter, beginning with the quarter ending March 31, 1934, make out in duplicate and file with the State Board of Equalization, under oath, a statement in such form as the State Board of Equalization may require and prescribe, showing the total gross income of such person, association or corporation derived from business within this state including the transmission of telegraph messages originating and terminating within this state, but

Must file a statement of gross income.

What to be included.

Payment to
accompany
statement.

excluding therefrom the gross income derived from the transmission of telegraph messages passing through this state but both originating and terminating outside of this state and from those originating outside of, but terminating within this state and from those originating within but terminating outside of this state during the preceding quarter, and containing such other information as the State Board of Equalization may require; and shall accompany such statement with the payment to the State Board of Equalization of a license tax in amount equal to one per cent (1%) of such gross income.

Board to
adopt rules
and regula-
tions.

Section 3. The State Board of Equalization shall have the power, and it shall be its duty from time to time to adopt, publish and enforce such rules and regulations not inconsistent herewith as it may deem requisite for the purpose of carrying out the provisions of this Act.

Penalty for
delinquency.

Section 4. Any such license tax not paid within the time herein provided for shall be delinquent and a penalty of ten per cent (10%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one per cent (1%) per month from the date of delinquency until paid.

Records to be
kept as re-
quired by
Board.

Section 5. Each person, association or corporation shall keep a record in such form as the State Board of Equalization shall require showing the total gross receipts, as herein described, and such other information as the State Board of Equalization may require.

Penalty for
violation.

Section 6. Each person, association or corporation, who fails, neglects, or refuses to make and file the statements required by this Act in the manner or within the time herein provided, or who shall make any false statement with reference to his said business of operating a telegraph business, shall be deemed guilty of having committed a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not to exceed six (6) months, or shall be punished by the imposition of both such fine and imprisonment.

Section 7. If any person, association or corporation subject to the payment of such license tax shall fail, neglect or refuse to make any statement required by this Act, or shall fail to make payment of such license tax

within the time herein provided, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may regarding the matters and things required to be set forth in such statement and from such information as it may be able to obtain, to make a statement showing such matters and things and determine and fix the amount of the license tax due the state from such delinquent person, association or corporation, and shall add thereto a penalty of five per cent (5%) thereof for the first failure, neglect or refusal; ten per cent (10%) for the second; fifteen per cent (15%) for the third; and twenty-five per cent (25%) for the fourth, and each subsequent failure, neglect and refusal, which shall be in addition to the ten per cent (10%) penalty hereinbefore provided for non-payment of such license tax within the time herein provided. Said license tax and the penalties added thereto shall bear interest at the rate of one per cent (1%) per month from the date such statements should have been made and said license tax paid. The State Treasurer of the State of Montana shall then proceed to collect such license tax with penalties and interest. Upon the request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination, in any Court of competent jurisdiction, an action to collect such license tax. All license taxes due from any person, association or corporation under the provisions of this Act, together with all penalties and interest thereon, shall be a lien upon any and all property of such person, association or corporation upon the filing by the State Board of Equalization, of a duplicate copy of the statement so made by the State Board of Equalization, or a certified copy of any statement filed with said Board in the office of the County Clerk of the county where such property is situated, which lien shall have precedence over any other claim, lien or demand thereafter filed or recorded and which may be enforced in the name of the State of Montana in the same manner as other liens are enforced by law. No action shall be maintained to enjoin the collection of such license tax or any part thereof. When the amount due the state is paid in full and before the entry of foreclosure decree, the State Treasurer shall release the said lien by filing, in the office of the County Clerk wherein is filed the said lien, a written release thereof. At any time prior to the payment of said taxes, penalty

Board to determine tax when company, etc., shall fail to do so.

Penalty also to be added.

In addition to non-payment penalty.

Interest to be charged.

Attorney General to prosecute collection of tax.

Taxes to be lien on property.

How perfected.

Enforced as other liens.

When and how lien shall be released.

May release
lien for the
purpose of
paying tax.

and interest, before the entry of foreclosure decree, the State Treasurer may release from the operation of said lien a part of said property to enable the person, association or corporation to mortgage, sell or otherwise dispose of the same in order to procure funds with which to pay said license taxes, penalty and interest, provided there remains, in the judgment of the State Treasurer, sufficient property subject to said lien to insure the payment of the whole of said unpaid license taxes, penalty and interest.

Books and
records open
to inspection
by Board.

Section 8. The books and records of every person, association or corporation shall be open and subject to inspection by the State Board of Equalization or any of its employees or assistants during business hours so far as may be necessary to ascertain the amount of license tax due.

Disposition
of money
collected.

Section 9. All moneys received by the State Treasurer in payment of license taxes under the provisions of this Act shall be deposited by him and credited to the following: Eighty per cent (80%) to the Emergency Relief Fund; fifteen per cent (15%) to the General Fund of the State of Montana, and five per cent (5%) to the Common School Interest and Income Fund. Whenever the Governor shall, by proclamation, declare that the necessity for such Emergency Relief Fund no longer exists, the moneys derived from the payment of license taxes under this Act, fifty per cent (50%) shall be deposited by the State Treasurer to the credit of the General Fund of the State, and twenty-five (25%) to the Common School Interest and Income Fund, and twenty-five (25%) to the Common School Equalization Fund.

Disposition
after emerg-
ency is over.

Saving
clause.

Section 10. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 42.

An Act Authorizing Bartholomew C. Dignan to File with the State Board of Examiners His Claim Against the State of Montana for Compensation for Injuries, for Reimbursement for Expenses Occasioned by Injuries Received by Him While Employed in the Office of the State Treasurer by Reason of the Ceiling Falling Upon Him, and Authorizing the Said State Board of Examiners to Hear, Audit and Determine the Said Claim, and Making an Appropriation to Pay Any Such Claim of Said Bartholomew C. Dignan Which Said State Board of Examiners May Approve and Allow.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. WHEREAS, on the sixteenth (16) day of February, 1933, Bartholomew C. Dignan was employed in the office of the State Treasurer of the State of Montana and on that day a large portion of the ceiling fell upon him, severely cutting and injuring his head, as a result of which he was confined in a hospital and compelled to obtain medical and surgical care; he has caused to be presented to the Appropriations Committee receipts and vouchers showing the actual expenditure by him of One Hundred Twenty-five Dollars (\$125.00), for such treatment and care. That the accident occurred because for several years there have been leaks in the roof of the building which gradually loosened the plaster and which ought to have been repaired, in the exercise of good care, months or years prior to the time of the accident. That said Bartholomew C. Dignan has made no demand or claim, and makes no demand or claim for any damages by reason of pain and suffering, disfigurement, and probable permanent results.

Reason
for Act.

Section 2. In consideration thereof said Bartholomew C. Dignan is authorized to present a claim to the State Board of Examiners, and the Board of Examiners is hereby authorized to hear, audit and determine the said claim against the state for the money expended by said Bartholomew C. Dignan as above set forth, and if the Board of Examiners finds that such injuries were actually sustained and such moneys were actually expended, said Board may award, approve and allow such claim in favor of the claimant for the amount found to have been so expended, not exceeding One Hundred Twenty-five

Authorized
to present
claim.

Board of
Examiners
may allow
claim.

Not to exceed \$125.00.

Dollars (\$125.00), and the Auditor is authorized to draw his warrant upon the State Treasury for such sum as shall have been allowed and approved by said Board of Examiners, provided that such claim shall be filed within six (6) months after the approval of this Act.

Appropriation to pay claim.

Must execute a release to the state.

Section 3. That the sum of One Hundred Twenty-five Dollars (\$125.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying any claim of said Bartholomew C. Dignan which may have been presented, allowed and approved as set forth in the foregoing section, provided that upon payment of any such claim to the said Bartholomew C. Dignan he shall execute to the State of Montana a release in full of all claims against said state arising out of said injuries.

Section 4. This Act shall be valid notwithstanding any provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 43.

An Act to Permit All Contracts for State, County, Municipal and School Construction or Repair Work and Maintenance to Contain Provisions Conforming to the "National Industrial Recovery Act", or Other Federal Statutes Providing for Minimum Wages, Hours of Labor and Other Restrictions Concerning Employment Designed to Reduce Unemployment, and Declaring an Emergency to Exist, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Lawful to insert in contracts all provisions necessary to conform to U. S. Statutes and regulations.

Section 1. In all contracts let for state, county, municipal and school construction, repair and maintenance work under any of the laws of this state, when the funds for such projects are supplied in whole or in part from funds of the United States Government, it shall be lawful to insert in each of said contracts any and all such

provisions that are, or will be, necessary to have such contract conform to the provisions of the National Industrial Recovery Act, or any Federal statutes or regulation, under which such funds are supplied.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. An emergency existing therefore, which emergency is hereby declared to exist, this Act shall take effect and be in force and effect from and after its passage and approval.

Emergency Act.

Approved January 16, 1934.

CHAPTER 44.

An Act Authorizing Boards of Trustees of School Districts to Levy Special Taxes for the Payment of All Warrants Outstanding and Unpaid at the Close of the School Year Ending June 30, 1934, and Providing for Method of Payment of Such Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of Trustees of any school district having, at the close of the school year ending June 30, 1934, valid and subsisting warrants and/or valid and subsisting claims, debts or obligations evidenced by warrants or otherwise outstanding and unpaid, and being without sufficient money with which to pay the same and leave a balance on hand sufficient to maintain the schools of the district for the period from July 1, to December 1, 1934, must provide for the payment of such warrants, or so much thereof as may be in excess of the money available for the payment thereof, as follows: By filing with the Board of County Commissioners, not later than the second (2) Monday in July, 1934, written request that such Board of County Commissioners levy a special tax or taxes during the fiscal year commencing July 1, 1934, against the taxable property in such school district, in an amount sufficient to pay the full amount of such warrants, with the interest thereon, during such fiscal year, or to levy such special tax or taxes, in an amount sufficient to pay at least thirty-five per centum (35%) of the amount of such warrants, with the interest

Applicable to certain school districts.

Must provide for the payment of warrants as follows:

Levy a special tax.

When
warrants
must be paid.

"Debt
Reduction
Fund."

How to
be used.

Balance
to go to
General
Fund.

Treatment
of district
high school
warrants.

To be included
in budgets
and paid
when.

Emergency
Act.

thereon during the fiscal year beginning July 1, 1934, and to pay the whole amount of such warrants, with interest thereon, before the first (1) day of July, 1937. The proceeds of every such special tax levy shall be deposited by the County Treasurer in a special fund to be designated "School District No..... Debt Reduction Fund", and shall not be used for any purpose whatever except for the payment of the lawful and valid warrants of such district issued prior to and outstanding and unpaid on July 1, 1934, and the interest thereon; provided that after all of such warrants, and the interest thereon, have been fully paid, any amount remaining in such Special Fund, or afterwards coming into the same from protested or delinquent taxes, may be transferred to the General Fund of such school district; provided further, that outstanding district high school warrants, issued by any district, within its budget limitations, shall be an indebtedness of the county, to be paid out of the moneys of the county derived from the high school tax levied by the County Commissioners and shall be paid in the following manner:

Not less than thirty-five per centum (35%) of the amount of such outstanding warrants with the interest thereon shall be included in the district high school budget for the school year beginning July 1, 1934; not less than one-half ($\frac{1}{2}$) of the amount of the remaining outstanding warrants with interest shall be included in the district high school budget for the year beginning July 1, 1935, and the remaining outstanding warrants with interest shall be included in the district high school budget for the year beginning July 1, 1936.

Section 2. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 45.

An Act to Permit the Payment of Delinquent Taxes, Assessments, Penalties and Interest on Real Estate and Certain Personal Property by Installment Payments,

and Repealing All Acts and Parts of Acts in Conflict
Thereewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All taxes and/or assessments heretofore levied against real property and all taxes heretofore levied against personal property and which are a lien against real property, together with penalties and interest thereon, which were delinquent and unpaid November 1, 1933, may be paid in twenty (20) semi-annual installments extending over a period of ten (10) years, under the terms of a contract to be made by and between the Board of County Commissioners of the county wherein said property is located and any taxpayer concerned, provided that no taxes levied during the year 1933, nor any subsequent year, against the property embraced within any such contract shall be unpaid on the date when such contract is entered into.

Providing
for the
payment
of taxes
unpaid
Nov. 1, 1933,
in install-
ments.

Current
taxes must
be paid.

Section 2. Any taxpayer desiring to avail himself of the provisions of this Act shall apply on or before January 1, 1935, to the Board of County Commissioners of the county wherein such taxes are payable, to adjust and pay such taxes as follows: The application shall be in writing, executed in triplicate, and shall show:

When
taxpayer
shall apply.

What
written
application
shall show.

1. The full name and address of the applicant.
2. The legal description of all property against which said taxes or assessments are a lien or charge.
3. An itemized statement of such taxes and assessments and the total amount thereof, including interest, penalties and costs, if any.
4. That there is no tax sales certificate covering any of said taxes or assessments outstanding, and held other than by the county.
5. A certificate from the County Treasurer showing that all taxes becoming due subsequent to taxes for the year 1932 have been paid.
6. That the applicant contracts and agrees to pay all prior and delinquent taxes in twenty (20) semi-annual payments, beginning with the acceptance of the application.

Board of
Commissioners to
approve.

Contract
to be entered
into.

No tax sale
shall be made
during this
period.

When Board
may deny.

When
contract
may be
nullified.

Board may
take tax
deed when
contract
is void.

Shall bear
interest.

To what
taxes, etc.,
this Act
applies.

Section 3. If the Board of County Commissioners finds that the statements contained in said application are true and correct, it shall grant the same by resolution, and the Chairman shall endorse such approval on the back of each triplicate application, and thereupon a written contract shall be made and entered into between the applicant and the Board of County Commissioners embodying the terms and provisions of such application, one copy to remain with the Board of County Commissioners, one to be delivered to the County Treasurer and one delivered to the applicant, and thereafter no sale or assignment of tax sale certificates shall be made by the County Treasurer upon any real or personal property included in such contract while its terms and provisions are in force. If the Board finds that any required statement is not contained in said application, or if any statement is not true and correct, it shall deny the same.

Section 4. In the event that any taxes or assessments levied, after the passage of this Act, become delinquent, or if the taxpayer fails to pay two (2) successive installments on his contract when the same becomes due, then, in either of such events, said contract shall become null and void, and shall be so declared null and void by the Board of County Commissioners by a resolution of the Board to that effect, spread on the minutes of their meeting, and the county officers responsible shall proceed to take tax deed to such property as provided by law in the same manner as though the taxpayer had not availed himself of the provisions of this Act.

Section 5. The amount of delinquent taxes, assessments, penalties and interest, as specified in said contract, shall bear interest at the same rate as such delinquent taxes would bear, and such interest shall be payable semi-annually upon the balance remaining unpaid at that time, and the unpaid balance due on the contract may be paid in full at any time and the interest shall be computed only to such date of final payment.

Section 6. This Act applies to all taxes or assessments on any real property and all taxes or assessments now levied against personal property that are a lien against real property which has been advertised or sold for taxes prior to November 1, 1933, and upon which tax deed has not passed, except where sale or assignment has been made to private persons.

Section 7. Nothing herein contained shall be deemed or considered as a release or postponement of any tax or assessment due, but shall be considered as a method whereby the taxpayer may fund said taxes or assessments over a period of time, and is hereby deemed an emergency.

Proviso.

Section 8. Upon the acceptance of any application, the County Treasurer shall determine the percentage of equity of each separate fund in the total amount of the contract based upon the levy or assessment of each such fund. Upon payment of any installment or installments, the County Treasurer shall issue his official receipt therefor, and he shall immediately credit such payment to the several funds on the above basis. Upon full payment of the contract, the County Treasurer shall deliver to the taxpayer the paid tax receipts for the years covered by said contract, and shall indicate on his records that such taxes have been paid in full. Provided, that after two (2) successive installments on such contract are past due and unpaid, and a tax deed is taken by the county, the sale price in such tax deed proceedings shall be the unpaid balance of all delinquent taxes or assessments, penalties and interest included in the contract.

Treasurer to determine equity of each fund.

Credit installments as paid to funds.

Sale price after default.

Section 9. The provisions of this Act shall also apply to taxes on all property of the classes herein described which are collected by County Treasurers for incorporated towns and cities, provided, however, that the provisions of this Act shall also apply to assessments for special improvements levied or assessed against property in incorporated cities or towns.

Other taxes included.

Special improvement taxes.

Section 10. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Saving clause.

Section 11. Any and all Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 12. This Act shall be and become in full force and effect immediately upon its final passage and approval.

Approved January 16, 1934.

CHAPTER 46.

An Act Relating to the Licensing and Regulation of the Manufacture, Sale and Distribution of Beer and Other Similar Beverages, and to Amend Sections 2, 3, 9, 13, 14, 17, 18, 20, 28, 30, 31, 32, 45, 48, and 49, and to Repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41, 42 and 43, of Chapter 106, Laws of 1933, Relating Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 2, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Definitions.

"Section 2. In this Act the expression:

"Board."

(a) "Board" as used in this Act means the State Board of Equalization, which shall administer the Act under its provisions ex officio and without additional compensation.

"Beer."

(b) "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt and hops, or of any other similar products in drinkable water.

"Brewer."

(c) "Brewer" means any person having a factory or an establishment adapted for the making of beer.

"Club."

(d) "Club" means any association of individuals for purposes of mutual entertainment and convenience and shall include the premises occupied or used for any such purpose.

"Club
Member."

(e) "Club Member" means a person who, whether as a Charter Member or admitted according to the By-Laws or Rules of the Club, has become a member thereof who maintains his membership by the payment of his regular periodic dues in the manner provided by such Rules or By-Laws and whose name and address are entered in the list of membership supplied to the Board at the time of the application for a club license under this Act, or if admitted thereafter within ten (10) days after his admission.

"Person."

(f) "Person" includes every partnership, corporation or association.

(g) "Retailer" means any person engaged in the sale and distribution of beer, either on draught or in bottles, to the public to be served and consumed on the premises of such retailer, or in the sale or distribution of beer to the public with intent that such beer shall be taken away from the premises of such retailer for consumption off such premises.

"Retailer."

(h) "Vehicle" means any means of transportation by land or by water or by air and includes everything made use of in any way whatever for such transportation.

"Vehicle."

(i) "Wholesaler" means any person having a store or establishment for the sale and distribution of beer in wholesaling or jobbing quantities, or for the sale and distribution of beer in original packages to the public with intent that such packages shall be delivered or taken away from the premises of such wholesaler in unbroken packages for consumption off the premises of such wholesaler."

"Wholesaler."

Section 2. That Section 3, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 3. The Board shall have power:

Powers of Board.

(a) To do all such things as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this Act and regulations made thereunder.

To do all necessary things.

(b) Without in any way limiting or being limited by the foregoing, the Board may make such regulations as are necessary and feasible for the purpose of carrying into effect the provisions of this Act, and such regulations shall have the full force and effect of law.

To make regulations necessary to carry out Act.

(c) The Board shall prescribe forms of applications and licenses to carry out the provisions of this Act."

To prescribe forms of applications and licenses.

Section 3. That Section 9, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 9. It shall be lawful for any brewer to sell or dispose of beer manufactured by him to any wholesaler, retailer, club or common carrier holding and having a license under this Act."

To whom brewer may sell.

Section 4. That Section 13, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

Duly licensed
brewer to
sell and
deliver to—

“Section 13. (1) Any brewer duly licensed as such by the United States of America, who manufactures beer in the State of Montana, may, upon payment of a fee of Seven Hundred Fifty Dollars (\$750.00), be licensed by the Board in accordance with the provisions of this Act, and such regulations as may be prescribed by the Board to sell and deliver:

(a) Beer and malt liquors to a vendor;

(b) Beer to licensees who are entitled to purchase beer from a brewer under this Act; or to do any one or more of such things.

Board may
grant, refuse
or cancel
license.

(2) The Board may, in its discretion, grant or refuse such license and may from time to time, in the exercise of like discretion, with or without any hearing or the assigning of reason therefor, suspend or cancel any such license, and all rights of the brewer to sell or deliver beer or malt liquor thereunder. When the Board shall have refused to grant a brewer's license, as herein provided for, or shall revoke or suspend a license previously issued by it, the Board shall notify the applicant or the licensee, as the case may be, in writing by registered mail to the address of such applicant or licensee, of its action, giving the reasons therefor, and thereupon such applicant or licensee shall have a right of appeal to the District Court of the county in which he shall reside, from the action of the Board, by filing a notice with the Clerk of the District Court and paying the filing fee required to commence a suit or action in the District Court, which appeal must be so taken within thirty (30) days after the order made and entered by the Board. The trial shall be had before the District Court upon the record as presented to the Board and upon which its decision was rendered and there shall not be any additional evidence introduced or anything in the nature of a trial de novo.

Notice to
revoke or
suspend.

Brewer may
appeal to
District
Court.

Procedure
for appeal.

License tax
of \$1.00 per
barrel.

(3) In addition to the annual license tax hereby imposed, a tax of One Dollar (\$1.00) per barrel of thirty-one (31) gallons, is hereby levied and imposed on each and every barrel sold by such licensed brewer, which said tax shall be due at the end of each month and shall be payable with the return required to be made under the provisions of Section 7, hereof.”

Section 5. That Section 14, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 14. Any person desiring to sell and distribute beer as a wholesaler under the provisions of this Act shall apply to the Board for a permit to do so and tender with his application the license fee hereinafter provided for.

Application to do business as wholesaler.

Upon being satisfied from such application, or otherwise, that such applicant is qualified as herein provided, the Board shall issue such license to such person, which license shall be at all times prominently displayed in the place of business of such wholesaler. If the Board shall find that such applicant is not qualified, no license shall be granted and such license fee shall be returned.”

Board to approve and issue license.

Section 6. That Section 17, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 17. It shall be lawful for any wholesaler to sell and deliver beer purchased or acquired by him to a wholesaler, retailer, club or to a common carrier, holding and having a license under this Act.”

To whom wholesaler may sell.

Section 7. That Section 18, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 18. It shall be lawful for any wholesaler to sell, deliver or distribute any beer purchased or acquired by him to the public in the original packages of quantities not less than two (2) gallons, with the intent that such packages shall be taken away from the premises of such wholesaler in unbroken packages for consumption off the premises of such wholesaler.”

May sell to public in the original package.

Section 8. That Section 20, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 20. A tax of One Dollar (\$1.00) per barrel of thirty-one (31) gallons, is hereby levied and imposed on each and every barrel of beer manufactured out of this state and sold herein by any wholesaler, which said tax shall be due at the end of each month from said wholesaler, upon any such beer so sold by him during

Tax of \$1.00 per barrel on out of state beer.

Tax on other
than barrels
of 31 gal.

that month. As to any beer imported and sold in containers other than barrels, or in barrels of more or less capacity than thirty-one (31) gallons, the quantity content shall be ascertained and computed by the Board in determining the amount of tax due, as herein provided for."

Amending
clause.

Section 9. That Section 28, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Application
for retail
license.

"Section 28. Any person desiring to possess and have for sale beer, under the provisions of this Act, for the purpose of selling it at retail, shall first apply to the Board for a permit so to do and tender with such application the license fee herein provided for. Upon being satisfied from such application or otherwise that the applicant is qualified as herein provided, the Board shall issue a license to such person, which license shall at all times be prominently displayed in the place of business of the applicant. If the Board shall find that the applicant is not qualified, no license shall be granted and the license fee tendered shall be by the Board returned. The Board shall have the right and is hereby given authority to make, at any time, an examination of the books of account of any such retailer and of his premises and otherwise check his methods of conducting business and the alcoholic contents of the beer kept by him for sale."

Board to
approve

License to be
displayed.

Board may
check
alcoholic
content, etc.

Amending
clause.

Section 10. That Section 30, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

May sell
beer to be
taken off
premises.

"Section 30. It shall be lawful for such retailer to sell or furnish beer to the public with intent that such beer shall be taken away from the premises of such retailer for consumption off the premises of such retailer and in quantities not to exceed five (5) gallons."

Amending
clause.

Section 11. That Section 31, of Chapter 106, of the Session Laws of 1933, be, and the same is hereby amended to read as follows:

Unlawful
to purchase
beer except
from licensed
vendor.

"Section 31. It shall be unlawful for such retailer to purchase or acquire beer from any one except a brewer or wholesaler licensed under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person who shall appear to be in an intoxi-

Intoxicated
persons
excluded.

cated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into, or remain in, or about his premises.”

Section 12. That Section 32, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 32. Any club desiring to possess or have for sale beer under the provisions of this Act shall make application to the Board for a permit so to do, accompanied by the license fee herein prescribed. Upon being satisfied from such application, or otherwise, that such applicant is qualified as herein provided, the Board shall issue such license to such club, which license shall be at all times prominently displayed in the club premises. If the Board shall find that such applicant is not qualified, no license shall be granted and such license fee shall be returned. The Board shall have the right at any time to make an examination of the premises of such club and to check the alcoholic content of beer being kept or sold in such club.”

Application for club license.

Board shall approve.

Board may check alcoholic content.

Section 13. Any Fair Association or Corporation maintaining or operating a place for the exhibition of livestock or agricultural or horticultural products, or for the exhibition of races or rodeos, charging an admission fee thereto, shall in the discretion of the Board be entitled to a special permit to sell beer to the patrons of such exhibition to be consumed within the exhibition enclosure.

Special permit to exhibitions.

The application of any such Association or Corporation shall describe the location of such enclosure wherein such exhibition is held, the nature of such exhibition, the period when it is contemplated that the same will be held. Such application shall be accompanied by the amount of the permit fee hereinafter provided.

What application shall contain.

The permit issued to such Fair Association or Corporation shall be a special permit, but shall not authorize the sale of beer except starting one (1) day in advance of the regular period when exhibitions for which a fee is charged are being held upon such grounds and during the exhibition period described in such application, and for one (1) day thereafter.

When beer may be sold.

The permit fee shall be at the rate of Ten Dollars (\$10.00) per day for each day beer is to be sold, or sold

Permit fee.

but in no event less than the sum of Twenty-five Dollars (\$25.00), hereby fixed as the minimum fee for such permit.

To whom
retail
licenses may
be issued.

Section 14. That a retail license to sell beer shall be issued to any person, firm or corporation who shall be approved by the majority of the Board, as a fit and proper person, firm or corporation to sell beer.

Amending
clause.

Section 15. That Section 45, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Annual
license fees.

“Section 45. Each licensee, under the provisions of this Act, shall pay an annual license fee as follows:

Each “brewer”, Seven Hundred Fifty Dollars (\$750.00);

Each “wholesaler”, Three Hundred Dollars (\$300.00);

Each “retailer”, Two Hundred Dollars (\$200.00);

Each “vehicle”, being a common carrier of passengers, Twenty-five Dollars (\$25.00); and

Each “club”, Fifty Dollars (\$50.00).

When license
shall expire.

All licenses issued in any year shall expire on the thirty-first day of December at midnight of such year. Provided, that a transfer of any such license may be made on application to the Board of Equalization. And provided further, that nothing in this Act contained shall in any manner be so construed as to prohibit or prevent cities and incorporated towns from enacting ordinances for the enforcement of this Act and to license and regulate places of business where beer is sold, notwithstanding the fact that the persons conducting such places have obtained a license from the Board, the only restriction hereby imposed being that such regulatory license so imposed by any city or town shall be reasonable and not in excess of the amount imposed by the state.”

Cities and
towns may
also regulate.

Limitation.

Amending
clause.

Section 16. That Section 48, of Chapter 106, Laws of 1933, be, and the same is hereby amended to read as follows:

Penalty for
violation.

“Section 48. Any person who shall violate any of the provisions of this Act for which no penalty has been specifically provided, shall be liable to imprisonment in the county jail for not more than six (6) months or to

a fine of not more than Five Hundred Dollars (\$500.00), or both; provided, however, that the District Courts of this state shall have concurrent jurisdiction with Justice of the Peace Courts in all prosecutions under this Act.

(a) **Common Nuisance Defined—Misdemeanor—Lien on Premises.** Any room, house, building, boat, vehicle, structure, or place where beer is manufactured, sold, or bartered in violation of this Act, and all property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and be imprisoned not less than thirty (30) days nor more than six (6) months. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of beer contrary to the provisions of this Act, and suffers the same to be so occupied or used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation, and any such lien may be enforced by action in any Court having jurisdiction. Any person whomsoever whether a licensee or not, who shall without the corporate limit of any city or town, permit minors to congregate and sell or give away to said minors beer or other liquors shall be deemed guilty of maintaining a nuisance and shall be subject to all the provisions of this section.

Place where
illegal beer is
manufactured
declared
a common
nuisance.

Penalty.

When
property
subject to
lien to pay
fines, etc.

Beer to minors
illegal.

(b) **Action to Enjoin Nuisance—Injunction—Order of Court—Bond.** An action to enjoin any nuisance defined in this Act may be brought in the name of the State of Montana by the Attorney General of the state or by any County Attorney. Such action shall be brought and tried as an action in equity and may be brought in any Court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the Court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the Court may issue an order restraining the

May maintain
action to
enjoin
nuisance.

Procedure.

Temporary
injunction
may be
issued.

defendant and all other persons from removing or in any way interfering with the fixtures or other things used in connection with the violation of this Act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the Court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the Court shall order that no beer shall be manufactured, sold, or bartered in such room, house, building, boat, vehicle, structure, or place, or any part thereof. And upon judgment of the Court ordering such nuisance to be abated, the Court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one (1) year thereafter; but the Court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the Court making the order, in the penal and liquidated sum of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00), payable to the State of Montana, and conditioned that beer will not thereafter be manufactured, sold or bartered therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violations of this Act upon said property."

Amending clause. Section 17. That Section 49, of Chapter 106, Laws of 1933 be, and the same is hereby amended to read as follows:

"Section 49. All fees, charges, taxes and penalties provided by this Act, collected by or under authority of the Board, together with all revenues received from other sources under this Act, shall be paid into the State Treasury and constitute a Special Fund to be designated "Montana Beer Act Fund", which to the extent of ten per centum (10%) of the net amount of current revenues received and paid into the State Treasury, shall be available for the payment of the expenses of the Board in the administration of this Act, and the State Examiner shall quarterly audit the books of the Board in order to determine that the amount of money received as shown by the books of the Board correspond with the books of the State Treasurer. Whenever the amount of money in the "Montana Beer Act Fund" shall exceed Ten Thousand Dollars (\$10,000.00), all in excess of the sum of Five

Thousand Dollars (\$5,000.00), shall be by the State Treasurer distributed as follows: One-half ($\frac{1}{2}$) thereof shall be transferred to the General Fund of the State of Montana, and the remaining one-half ($\frac{1}{2}$) shall be distributed to the Emergency Relief Fund to be administered by the State Emergency Relief Commission of the State of Montana."

Disposition
of money.

Section 18. It shall be unlawful for any brewer or wholesaler to lease, furnish, give or pay for any premises, furniture, fixtures, equipment or other property to any retail licensee, used or to be used in the dispensation of beer. No brewer or wholesaler shall advance, furnish money for or pay for any license or tax which may be required to be paid for any retailer, and no brewer or wholesaler shall be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer as herein defined.

Brewers and
wholesalers
not to be
financially
interested
in retailer.

Section 19. The sale of beer by the State Board of Liquor Control is hereby prohibited, save and except ale, porter and stout, containing more than three and two-tenths per cent (3.2%) of alcohol by weight.

Alcoholic
content.

Section 20. That Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41, 42 and 43, of Chapter 106, Laws of 1933, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 21. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 47.

An Act to Provide Emergency Relief by the Creation of High School Districts in Counties Having County High Schools, and Authorizing the Boards of Trustees of Said High School Districts to Borrow Money and to Enter Into Contracts and Arrangements for the Repair, Improvement, Equipment, and Construction of Buildings and Public Works, Providing for Elections and Procedure to be Followed by High School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Boards of
Trustees.

Section 1. In counties having a County High School the Board of Trustees of the County High School and the Boards of Trustees of any school districts maintaining high schools, are hereby designated as the Boards of Trustees of the respective high school districts established under this Act.

Empowered
to undertake
a program of
public works.

How
commenced.

To effectuate the purpose of this Act, the Board of Trustees of any high school district, as herein provided for, is hereby authorized to undertake a program of public works in the construction, improvement, repair of buildings and equipment for the same for the use of any or all high schools in such high school district. Such proceedings may be commenced by resolution upon the part of such Board of Trustees of such high school district of its own motion and without any petition being filed therefor.

Commission
to divide
counties into
high school
districts.

Approval
necessary.

Section 2. In all counties having County High Schools, in which there are maintained two (2) or more high schools, a Commission consisting of the County Commissioners and the County Superintendent of Schools shall at the request of any High School Board of Trustees in the county, divide the county into high school districts for the purpose of this Act, provided that the boundaries established by said Commission shall be subject to the approval of the Superintendent of Public Instruction.

Factors to be
considered in
determining
creation and
division of
districts.

In creating such districts the Commission shall give first consideration to the factor of convenience of the patrons of the several schools. Common school districts may be grouped for the purpose of this Act and when practicable high school districts shall be made up of contiguous and adjacent common school districts but the Commission must take into consideration the existence or non-existence of obstacles to travel, such as mountains and rivers and existence or non-existence of highways and distance to high school. No common school districts shall be divided for the purposes of this Act but must be made a part of a high school district in its entirety.

Empowered
to issue bonds.

Section 3. The Boards of Trustees of high school districts established under this Act are hereby vested with the power and authority to issue and negotiate coupon bonds on the credit of high school districts in conformity with and for any one or more of the purposes provided in existing statutes, or statutes that may be hereafter enacted.

Section 4. All of the laws of this state governing the issuance and sale of bonds by school districts, the levying of taxes for the payment of the principal and interest thereof and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this Act, shall apply to and govern all bonds issued under the provisions of this Act.

General laws to apply when applicable.

Section 5. This Act shall not repeal any statute now in force, nor prevent the exercise of powers as elsewhere in the statutes of this state provided. It shall constitute an additional and cumulative method of borrowing money and of carrying out the powers herein authorized. The high school districts created under the provisions of this Act, are for construction, repair, improvement and equipment purposes only, and it shall not be construed so as to interfere with or repeal any existing laws relating to the maintenance or operation of high schools within the county.

Not to repeal statutes now in force.

Additional method of obtaining results.

Section 5 A. Provided, that nothing in this Act shall apply to any high school districts in a county having a population of forty-five thousand (45,000), or over, based on the United States Census of 1930.

Not to apply to counties over 45,000 population.

Section 6. An emergency exists, and this Act shall take effect and have force from and after its passage and approval.

Emergency Act.

Approved January 16, 1934.

CHAPTER 48.

An Act to Amend Section 2, of Chapter 65, of the Eighteenth Legislative Assembly of 1923, and Section 3, of Chapter 65, of the Eighteenth Legislative Assembly of 1923, as Amended by Chapter 141, of the Twentieth Legislative Assembly of 1927, Relating to Tax on Direct and Collateral Inheritances, Bequests and Devises; to Provide for its Assessment, Collection and Distribution; and to Provide Funds for the Support and Relief of the Needy and for Their Employment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2, of Chapter 65, of the Eighteenth Legislative Assembly of 1923, be, and the same is hereby amended to read as follows:

Amending clause.

Primary
rates when
not in excess
of \$25,000.

“Section 2. **Primary Rates, Where Not in Excess of \$25,000.00.** When the property or any beneficial interest therein passes by any such transfer to any person, institution, association, corporation or body politic, where the amount of the property shall exceed in value the exemption hereinafter specified, and shall not exceed in value Twenty-five Thousand Dollars (\$25,000.00), the tax hereby imposed shall be :

Husband,
wife, lineal
issue, etc.,
at 2%.

(1) **TWO PER CENT.** Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent, or any child adopted as such in conformity with law, or any child to whom such decedent for not less than ten (10) years prior to such transfer stood in the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth (15) birthday, and was continuous for ten (10) years, or any lineal issue of such adopted or mutually acknowledged child, at the rate of two per cent (2%) of the clear value of such interest in such property passing to such person.

Brother,
sister or their
descendants,
etc., at 4%.

(2) **FOUR PER CENT.** Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife of a son, or the husband of a daughter of the decedent, at the rate of four per cent (4%) of the clear value of such interest in such property passing to such person.

Uncle, aunt
or first
cousin at 6%.

(3) **SIX PER CENT.** Where the person or persons entitled to any beneficial interest in such property shall be the uncle, aunt or first cousin of the decedent, at the rate of six per cent (6%) of the clear value of such interest in such property passing to such person.

All others
at 8%.

(4) **EIGHT PER CENT.** Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of eight per cent (8%) of the clear value of such interest in such property passing to such person, institution, association, corporation or body politic.”

Section 2. That Section 3, of Chapter 65, of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141, of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Amending clause.

“Section 3. **Other Rates, Where in Excess of \$25,000.00.** The foregoing rates in Section 2, are for convenience termed the primary rates:

Other rates when in excess of \$25,000.

When the amount of the clear value of such property or interests exceeds Twenty-five Thousand Dollars (\$25,000.00), the rates of tax upon such excess shall be as follows:

(1) RATE WHERE AMOUNT \$25,000.00 TO \$50,000.00. Upon all in excess of Twenty-five Thousand Dollars (\$25,000.00), and up to Fifty Thousand Dollars (\$50,000.00), two (2) times the primary rates.

\$25,000-\$50,000.

(2) RATE WHERE AMOUNT \$50,000.00 TO \$100,000.00. Upon all in excess of Fifty Thousand Dollars (\$50,000.00), and up to One Hundred Thousand Dollars (\$100,000.00), three (3) times the primary rates.

\$50,000-\$100,000.

(3) RATE WHERE AMOUNT OVER \$100,000.00. Upon all in excess of One Hundred Thousand Dollars (\$100,000.00), four (4) times the primary rates.

All in excess of \$100,000.

Section 3 (a). **ESTATE TAX IMPOSED.** In addition to the taxes hereinabove imposed, an estate tax is hereby imposed upon the transfer of all estates which are subject to an estate tax under the provisions of the United States Revenue Act of 1926, and amendments thereto, where the decedent, at the time of his decease, was a resident of this state. The amount of said estate tax shall be equal to the extent, if any, of the excess of the credit of not exceeding eighty per cent (80%), allowable under said United States Revenue Act, over the aggregate amount of all estates, inheritance, transfer, legacy and succession taxes paid to any state or territory or the District of Columbia, in respect to any property in the estate of said decedent. Provided, that such estate tax hereby imposed shall in no case exceed the extent to which its payments will effect a saving or diminution in the amount of the United States Estate Tax payable by, or out of the estate of the decedent, had Subsections

Estate tax.

How figured.

By whom
controlled.

3 (a), to 3 (i), not been enacted. The tax imposed herein shall be collected by the several County Treasurers or the State Treasurer and distributed as hereafter provided.

When
payable.

(b) **WHEN PAYABLE.** The estate tax shall be payable to the County Treasurer of the county in which such estate is being probated at the same time, or times, at which the United States tax is payable and shall bear interest, if any, at the same rate and for the same period as such United States tax.

Parties
liable.

(c) **LIABILITY.** Administrators, executors, trustees and grantees under a conveyance, made during the grantor's life and taxable hereunder, shall be liable for such taxes with interest, until the same have been paid.

Lien on
property.

(d) **LIEN.** Said taxes and interest shall be, and remain, a lien on the property subject to the taxes until the same are paid.

When time
for payment
may be
extended.

(e) **EXTENSION OF TIME.** The District Court of the county in which such estate is being probated may, for cause shown, extend the time of payment of said tax whenever the circumstances of the case require.

To file
duplicates
of United
States
Estate Tax.

Certificate
of the amount
of tax.

District
Court to
determine.

Right of
appeal.

Purpose of
Section 3.

(f) **DUPLICATE RETURNS.** It shall be the duty of the legal representative of the estate of any decedent, who was a resident of this state at the time of his death and whose estate may be subject to the payment of a United States Estate Tax, to file duplicates of the United States Estate Tax returns with the District Court of the county in which such estate is being probated. He shall also file with such Court a certificate or other evidence from the Bureau of Internal Revenue showing the amount of the United States Estate Tax as computed by that department. The District Court shall hear all parties desiring to be heard with respect to the amount of State Estate Tax and shall enter an order determining such tax and the amount thereof so due and payable. Any person in interest aggrieved by such determination shall have the same right of rehearing and appeal as is now provided for in the determination of inheritance taxes.

(g) **INTENT OF SECTIONS 3 (a), TO (i).** It is hereby declared to be the intent and purpose of Sections 3 (a), to 3 (i), to obtain for this state the benefit of the credit allowed under the provisions of said United

States Revenue Act, to the extent that this state may be entitled by the provisions of said Act, by imposing additional taxes and the same shall be liberally construed to effect this purpose.

(h) PROVISIONS APPLICABLE. The provisions of Chapter 65, of the Eighteenth Legislative Assembly of the State of Montana, 1923, relating to the tax on inheritances and transfers, shall apply to the taxes imposed by Subsections 3 (a), to 3 (i), in so far as the same are applicable and not in conflict with the provisions hereof."

Ch. 65 Laws of 1923 to apply.

Section 3. The provisions of this Act shall apply to all estates of all decedents dying after the date when this Act takes effect, and shall also apply to the estate of any decedent on which the inheritance tax has not been determined by the Court and paid prior to the date when this Act takes effect to the same extent, and in the same manner, as though this Act had been in full force and effect at the date of death of such decedent.

To what estates this Act shall apply.

Section 4. All inheritance taxes provided herein, and by other laws of the state, shall, until January 1, 1935, be for the use and benefit of, and by the State Treasurer credited to the following: forty per cent (40%) thereof to the General Fund of the state, fifteen per cent (15%) thereof to the Common School Interest and Income Fund, fifteen per cent (15%) thereof to the State Common School Equalization Fund, and thirty per cent (30%) thereof shall be apportioned to the Emergency Relief Fund of the Montana Relief Commission. After January 1, 1935, all inheritance taxes provided herein, and by other laws of the state, shall be for the use and benefit of, and by the State Treasurer credited to the following: fifty per cent (50%) thereof to the General Fund of the state, twenty-five per cent (25%) thereof to the Common School Interest and Income Fund, and twenty-five per cent (25%) thereof to the State Common School Equalization Fund.

Taxes, how distributed up to Jan. 1, 1935.

How distributed after Jan. 1, 1935.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 49.

An Act Providing That in Certain Actions No Writ of Attachment Shall be Issued and Levied Upon or Against Certain Wages and Earnings of the Debtor or Defendant for His Personal Services Rendered Within a Certain Time, and Providing That Such Wages and Earnings Are Exempt from Attachment.

Be it enacted by the Legislative Assembly of the State of Montana:

Exemptions
from attach-
ment of wages
on amounts
of \$10.00
or less.

Section 1. In any action where the amount sued for is the sum of Ten Dollars (\$10.00) or less, no writ of attachment shall be issued and levied upon or against the wages or earnings of the debtor or defendant for his personal services rendered at any time within thirty days next preceding the commencement of the action, and in any such case or action such wages and earnings are exempt from attachment.

Repealing
clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 16, 1934.

CHAPTER 50.

An Act to Cede Jurisdiction to the United States Over the Fort Peck Dam, the Body of Water Created by Such Dam, the Land Under Such Body of Water, and Any Land Now Owned or Which May be Hereafter Acquired by the United States and Which Shall Touch Such Body of Water, All Being in the Counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana and Reserving Certain Rights to the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Concurrent
jurisdiction
ceded to U. S.
over Fort
Peck Dam.

Section 1. That consent to purchase or condemn all necessary lands is hereby given and concurrent jurisdiction shall be, and the same is hereby, ceded to the United States over the Fort Peck Dam, the body of water or

artificial lake created by such dam, the land under such body of water, and any lands now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all such being situated in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, State of Montana, saving, however, to the said state the right to serve civil or criminal process within the limits of the territory over which jurisdiction is so ceded in any suits or prosecutions for or on account of rights obtained, obligations incurred, or crimes committed in said state, within or without said territory, and saving further to the said state the right to tax persons and corporations, their franchises and property within said territory, and reserving further to the said state and its inhabitants, citizens, and non-residents the right to fish or hunt by boat or otherwise, and the right of access, ingress and egress to and through said ceded territory to all persons owning or controlling livestock for the purpose of watering the same, and saving further to the state jurisdiction in the enforcement of the state laws relating to the duties of the Live Stock Sanitary Board, and the State Board of Health, and the enforcement of regulations promulgated by said Boards in accordance with the laws of said state; provided, however, that jurisdiction shall not vest until the United States, through the proper officers, notifies the Governor of the State of Montana that they assume police or military jurisdiction over said territory

Reservation
of right to
serve process.

Reservation
of right
to tax.

Reservation
of right to
fish and
hunt, etc.

Right to
enforce laws
relative to
livestock,
health, etc.

When
jurisdiction
shall vest.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 17, 1934.

CHAPTER 51.

An Act Levying a License Tax on the Gross Proceeds of Electricity and Electrical Energy, Generated, Manufactured or Produced in the State of Montana, for Barter, Sale or Exchange and Providing for the Collection of Such Taxes and Prescribing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

License tax
to be levied
on gross
sale of
electricity.

Section 1. That in addition to the license tax now provided by law, each and every individual, firm, partnership, common law trust, corporation, association or other organization, now engaged in the generation, manufacture or production of electricity, and electrical energy in the State of Montana, either through water power or by any other means, for barter, sale or exchange and hereinafter referred to as the "producer", shall on or before the fifteenth (15) day of each calendar month, beginning with the fifteenth (15) day of April, 1934, render a statement to the State Board of Equalization of the State of Montana, showing the gross amount of money received on account of sales of electricity and electrical energy during the preceding calendar month without any deduction, and shall pay a license tax thereon in the sum of five-eighths ($\frac{5}{8}$) of one per cent (1%) of such gross amount as shown on such statement in the manner and within the time hereinafter provided.

Amount
of tax.

When
payable.

Not to be
set out on
customer's
bill.

Section 2. Said license tax shall be remitted with the statement and paid on or before the fifteenth (15) day of each month, beginning with the fifteenth (15) day of April, 1934. No bill, statement or account rendered or given any customer by any organization affected by the provisions of this Act shall set out or contain, as a separate item, any amount on account or by reason of, the license tax imposed by this Act.

How money
shall be
distributed.

Up to March
31, 1935.

After March
31, 1935.

Section 3. The State Board of Equalization shall receipt therefor and promptly turn same over to the State Treasurer, and the State Treasurer shall distribute the same to March 31, 1935, as follows: Eighty per cent (80%) thereof to the Emergency Relief Fund, fifteen per cent (15%) thereof to the General Fund and five per cent (5%) thereof to the Common School Interest and Income Fund and after March 31, 1935, the same shall be distributed as follows: Fifty per cent (50%) to the General Fund, twenty-five per cent (25%) to the Common School Interest and Income Fund and twenty-five per cent (25%) to the Common School Equalization Fund. Taxes not paid on the due date shall become delinquent and shall bear interest from said due date at the rate of twelve per cent (12%) per annum.

Interest on
delinquency.

On or before
April 15, 1934,
a certificate
shall be filed.

Section 4. On or before the fifteenth (15) day of April, 1934, every producer referred to in Section 1, of this Act, engaged in the production, generation or manu-

facture of electricity or electrical energy, shall make and file with the State Board of Equalization of the State of Montana, on forms prescribed by the State Board of Equalization, an acknowledged and verified certificate which shall contain:

(a) The name under which the producer is transacting business within the state;

What certificate shall contain.

(b) His or its post office address and principal place of business within the state;

(c) The address and location of his or its production plants or station in the State of Montana;

(d) The name and address of the Managing Agent;

(e) The names and addresses of the several persons composing any firm or partnership constituting the producer, and if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its officers, directors, general agent and general manager.

(f) Certified copies of any papers necessary to show that such producer has complied with the laws of the State of Montana in order to transact business in Montana.

Section 5. That every such producer shall on or before the fifteenth (15) day of each calendar month, beginning with April 15, 1934, and monthly thereafter, render to the State Board of Equalization of the State of Montana on forms prescribed by the State Board of Equalization, a statement sworn to by the Manager, President, Secretary or Treasurer, showing the gross proceeds received for or on account of, all sales of electricity and electrical energy for the preceding calendar month. The books and records of such producer shall be subject to inspection by the State Board of Equalization, its agents or employees, during reasonable hours.

Monthly statement shall be furnished of gross sales.

Books subject to inspection.

Section 6. All electricity and electrical energy used for pumping water for irrigation purposes to be used on lands in the State of Montana is exempt from the provisions of this Act, except in cases where the water so pumped is sold or rented to such irrigated lands; provided, the exemption here given shall accrue to the benefit of the consumer of such electricity and electrical en-

Exemption.

Exemption to accrue to benefit of consumer.

To be credited
on bill of
consumer.

Statement
of exemptions
and credits.

ergy. Provided, further, that the full amount of such license tax which would have been due from such producers of electricity and electrical energy, if such exemption had not been made, shall be credited annually for the year in which the exemptions are made, on the power bill of the consumer, by the producer of such electricity and electrical energy, furnishing such power and such producer shall include a statement of the amount of electricity and electrical energy exempted by this section, furnished by it for the purpose of pumping water for irrigation purposes on lands in the State of Montana, to the State Board of Equalization as part of the statement required by Section 1, of this Act, together with a statement of credits made on the power bills to the consumers of such electricity and electrical energy for the pumping of water for irrigation to be used on lands in the State of Montana.

Future
producers
to comply.

Section 7. Any producer of electricity or electrical energy referred to in Section 1, of this Act, who shall hereafter engage in the generation, production or manufacture of electricity or electrical energy shall immediately upon purchasing or acquiring the plant or installing equipment therefor, comply with the requirements of Section 3, of this Act.

Penalty
for false
report, etc.

Section 8. Any person, officer, partner, agent or representative of any producer referred to in Section 1, of this Act, who shall make any false statement, affidavit, certificate, report or statement herein required to be made to the State Board of Equalization, hereunder, shall be deemed guilty of perjury and upon conviction shall be punished by imprisonment in the State Penitentiary for not less than one (1) nor more than fourteen (14) years.

Penalty for
violation.

Section 9. Any producer, referred to in Section 1, of this Act, who shall violate any of the provisions of this Act, or who shall fail to pay the license tax herein provided for, or any part thereof, when due, shall be liable for three (3) times the amount of the unpaid or delinquent tax in a civil action instituted for that purpose in a Court of competent jurisdiction, in the name of the State of Montana, and in such suit, upon application of the state, an injunction may be issued without requiring any bond, restraining the defendant from continuing to

Procedure for
enforcement.

produce electricity or electrical energy, so long as the tax due hereunder from said defendant remains delinquent.

Section 10. If any section or provision of this Act be adjudged unconstitutional or invalid for any reason, such adjudication shall not affect the validity of this Act, as a whole or of any section or provision thereof, which is not specifically so adjudged unconstitutional or invalid.

Saving
clause.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

CHAPTER 52.

An Act to Amend Section 2, and Section 9, of Chapter 180, of the Session Laws of the Twenty-third Legislative Assembly, 1933, Relating to Certain License Fees Fixing the Amount of Such License Fees and Prescribing a Method for the Assessment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2, of Chapter 180, of the Twenty-third Legislative Assembly, 1933, be, and the same is hereby amended to read as follows:

Amending
clause.

"Section 2. Every person engaged in or carrying on the business of distributing to the public within this state, natural gas, produced, or not produced within this state, or conveying through a pipe line, gas produced within this state for the purpose of use outside this state, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within the state, any system or plant for the distribution of natural gas, produced, or not produced within this state, to the public within this state for the purpose of use outside this state, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this state, any system or plant for the distribution of natural gas, produced, or not produced within this state, to the public within this state must, for the

Conditions
under which
person shall
be liable
for tax.

Amount of tax.

Standard for measurement.

Person not within contemplation of Act.

year 1934, and each year thereafter when engaged in carrying on such business in this state, pay to the State Treasurer for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business an amount equal to three-eighths ($\frac{3}{8}$) of one (1) cent for each one thousand (1000) cubic feet of such natural gas, produced within this state, or not produced within this state, and distributed by such person to the public within this state, during such year, or conveyed through a pipe line to a point outside this state during such year, except in connection with the operating of natural gas wells from which the same was extracted or produced, or delivered by such person to any other person for sale, and that the standard or base pressure to be used in the measurement of such gas so distributed for determining the amount of license tax imposed hereunder, shall be ten (10) ounces above an atmospheric pressure of fourteen (14) and four-tenths ($\frac{4}{10}$) pounds per square inch, and at a temperature of sixty (60) degrees Fahrenheit, regardless of the atmospheric pressure and temperature at the point of measurement, and all measurements of gas shall be reduced, by computation, to these standards no matter what may have been the pressure and temperature at which gas was actually produced or measured; provided, however, that nothing in this Act shall be construed as requiring laborers, employees, hired or employed, by any person to work on or about, or in connection with any natural gas well property or business, to pay such license taxes, nor shall any work required to be done in prospecting, or in developing, or opening up any natural gas property or plant, be deemed to be carrying on of natural gas business, or engaging in the business of working or operating of a natural gas well or plant; provided further, that if during any such work of developing any natural gas property, any marketable natural gas shall be extracted or produced and sold, then the same shall be deemed the carrying on of a natural gas business of distributing to the public.

Amending clause.

Section 2. That Section 9, of Chapter 180, of the Twenty-third Legislative Assembly of 1933, be, and the same is hereby amended to read as follows:

Distribution of tax moneys.

"Section 9. All license taxes collected under the provisions of this Act shall be distributed as follows: Fifty per cent (50%) to the Emergency Relief Fund and fifty

per cent (50%) to the General Fund of the state until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation, said fifty per cent (50%) of such license fees shall be by the State Treasurer credited to the General Fund of the state, twenty-five per cent (25%) to the Common School Equalization Fund and twenty-five per cent (25%) to the Common School Interest and Income Fund."

After the
emergency
has ceased.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

CHAPTER 53.

An Act to Authorize the Construction of a Building or Buildings at Great Falls, Montana, for the Deaf and Dumb Asylum, Otherwise Named by Statute the Montana School for the Deaf and Blind and to Construct, Remodel and Repair Buildings of the Present Institution at Boulder, Montana; to Provide for the Issuance of Revenue Bonds for the Payment Thereof; to Provide That Such Bonds Shall Not Constitute or be a Debt, Liability or Obligation of the State but Shall be Secured Only by the Rents or Income of the Buildings; and by All the Income and Interest Derived from the Land Grant Made by the United States to the State of Montana for the Establishment of a Deaf and Dumb Asylum for the State of Montana, Under Section 17, of the Enabling Act of Congress, Approved February 22, 1889, Entitled: "An Act to Provide for the Division of Dakota Into Two States and to Enable the People of North Dakota, South Dakota, Montana and Washington to Form Constitutions and State Governments and to be Admitted Into the Union on an Equal Footing with the Original States, and to Make Donations of Public Lands to Such States;" to Provide for the Registration of Such Bonds; to Provide for Trust Indenture and Trustee for Said Bonds; to Provide for the Creation of a Sinking Fund and to Define its Purposes; to Empower the State Board of Education to Enter Into All Contracts and Agreements Necessary or

Incidental to the Execution of its Powers Under This Act; to Provide Remedies of Bondholders, and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Board
authorized
to construct
buildings.

Purpose.

How to
be paid.

"Cost of
construction."

Section 1. The State Board of Education, hereinafter in this Act termed the Board, is hereby authorized to construct an additional building or buildings at Great Falls, Montana, to be used in connection with the Deaf and Dumb Asylum otherwise named by Statute Montana School for Deaf and Blind, the cost of such construction to be paid wholly by means of or with the proceeds of revenue bonds hereinafter authorized and other funds provided under the authority of this Act. The term "cost of construction" shall embrace the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period not exceeding one (1) year after the completion of construction, the cost of engineering and legal expenses, plans, specifications, and other expenses necessary or incident to the financing herein authorized and the construction of the building or buildings and placing the same in operation.

Board
authorized
to provide
for issuance
of bonds.

Remodel at
Boulder.

Build at
Great Falls.

Use of
\$225,000.

Where
less to be
distributed
in same
proportion.

When bonds
shall mature.

Section 2. The Board is hereby authorized to provide by resolution for the issuance of revenue bonds not exceeding in amount the sum of Two Hundred Twenty-five Thousand Dollars (\$225,000.00), face value, for the purpose of paying the cost of construction as hereinabove defined of any one or more such buildings, and constructing, remodeling and repairing the buildings now occupied by the Deaf and Blind at Boulder, Montana. From the funds or proceeds received from the sale of said bonds, One Hundred Seventy-five Thousand Dollars (\$175,000.00) thereof shall be expended in the construction of new buildings at Great Falls, Montana, and Fifty Thousand Dollars (\$50,000.00) shall be expended in construction, remodeling and repairing buildings at Boulder, Montana. If the returns from bonds sold are less than Two Hundred Twenty-five Thousand Dollars (\$225,000.00), the proceeds shall be used at Great Falls and Boulder in the same proportion as described in the last sentence, the principal and interest of which bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall mature at such time, or times, not more than thirty (30) years from their date, or dates, as may be fixed by such resolution,

but may be made redeemable before maturity at the option of the state, to be exercised by the Board, at such price, or prices, and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the rate of interest such bonds shall bear, not exceeding six per centum (6%) per annum, the time, or times, of payment of such interest, the form of the bonds and interest coupons to be attached thereto, and the manner of executing the bonds and coupons, and shall fix the denomination, or denominations, of the bonds and the place, or places, or payment of principal and interest thereof, which may be at any bank or trust company within or without the state. All bonds issued under this Act shall contain a statement on their face that the state shall not be obligated to pay the same, or the interest thereon, except from the special fund hereinafter set forth. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. All such bonds shall be, and shall have, and are hereby declared to have all the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the state. Such bonds shall not constitute or be a debt, liability or obligation of the state, and shall be secured only by the rents and income of the buildings and by all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a Deaf and Dumb Asylum for the State of Montana, under Section 17, of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to Provide for the Division of Dakota Into Two States and to Enable the People of North Dakota, South Dakota, Montana and Washington to Form Constitutions and State Governments and to be Admitted Into the Union on an Equal Footing with the Original States, and to Make Donations of Public Lands to Such States."

Redeemable.

Rate of interest.

Form and denomination.

State not liable.

Validity of signatures.

Negotiability.

Not liability of the state.

Security.

Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone or as to both principal and interest. The bonds authorized under the provisions of this Act may be issued and sold from time to time, and in such amounts as may be

Registration of bonds.

Sale of bonds.

determined by the Board, and the Board may sell the bonds in such manner and for such price as it may determine to be for the best interests of the state.

Use of
money.

Section 3. All moneys received from bonds issued pursuant to this Act shall be applied solely to the payment of the cost of construction, or to the Sinking Fund, and there is hereby created a lien upon such moneys until so applied in favor of the holders of the bonds or the Trustee hereinafter provided for in respect of such bonds.

May be
secured
by trust
indenture.

Section 4. In the discretion of the Board such bonds may be secured by a trust indenture by and between the state and a Corporate Trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state; such trust indenture may, in the discretion of the Board, contain provisions for conveying in trust or mortgaging the buildings, either the resolution providing for the issuance of bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the state and the Board in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of the buildings, the custody, safeguarding and application of all moneys, and may provide that the buildings shall be constructed and paid for under the supervisions and approval of consulting engineers employed or designated by the Board and satisfactory to the original purchasers of the bonds issued therefor, their successors, assigns or nominees, who may be given the right to require that security given by contractors and by any depositary of the proceeds of the bonds or receipts and revenues of the buildings, or other moneys pertaining thereto, shall be satisfactory to such purchasers, successors, assigns or nominees. Such resolution or indenture may set forth the rights and remedies of the bondholders and Trustee, restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations.

Contain
provisions
for protec-
tion of
bondholders.

Duties of
Board.

Right and
remedies of
bondholders.

Shall create
a Sinking
Fund.

Section 5. On or before the issuance of any bonds, the Board shall by resolution create a Sinking Fund for the payment of the bonds and the interest thereon, and the payment of charges of banks or trust companies for

making payment of such bonds or interest, and shall set aside and pledge a sufficient amount of all rents and income received by the Board, and of all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a Deaf and Dumb Asylum for the State of Montana, under Section 17, of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to Provide for the Division of Dakota Into Two States and to Enable the People of North Dakota, South Dakota, Montana and Washington to Form Constitutions and State Governments and to be Admitted Into the Union on an Equal Footing with the Original States, and to Make Donations of Public Lands to Such States", such amount to be paid into said Sinking Fund at intervals to be determined by the Board prior to the issuance of the bonds, for (a) the interest upon such bonds as such interest shall fall due and (b) the necessary fiscal agency charges for paying bonds and interest, and (c) the payment of the bonds as they fall due, or, if all bonds mature at one time, the proper maintenance of a Sinking Fund sufficient for the payment thereof at such time, and (d) a margin for the payment of premiums upon bonds retired by call or purchase as herein provided. Such required payments shall constitute a first charge upon all rents and income received by the Board. Prior to the issuance of bonds, the Board may provide by resolution or by such Trust Indenture for using the Sinking Fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom at the market price thereof, but not exceeding the price, if any, at which the same shall at the next interest date be payable or redeemable, and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued.

Purpose.

What moneys in fund shall be used for.

May purchase outstanding bonds.

Section 6. The Board shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this Act, and may employ engineering, architectural and construction experts and inspectors and attorney, and such other employees as may be deemed necessary, and may fix their compensation. All such compensation and all expenses incurred in carrying out the provisions of this Act shall be paid solely from funds provided under the authority of this Act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall

Board empowered to enter into contracts, etc.

Protection
of property.

have been provided under the authority of this Act. All public or private property damaged or destroyed in carrying out the powers granted under this Act shall be restored or repaired and placed in their original condition, as nearly as practicable, or adequate compensation made therefor, out of funds provided by this Act.

Right of
bondholder
to court
action.

Section 7. Any holder of bonds issued under this Act or of any coupons attached thereto and the Trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds, or by the Trust Indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or Trust Indenture and may enforce and compel performance of all duties required by this Act or by such resolution or Trust Indenture to be performed by the Board.

Reason
for Act.

Section 8. A critical emergency has arisen out of the present economic depression which has caused widespread unemployment and consequent indigence and dependence of a large portion of the people of this state. It is hereby declared that an emergency exists at the Deaf and Dumb Asylum otherwise named by statute, Montana School for Deaf and Blind in that it is not able to take and care for a large number of patients who should be admitted thereto and that the construction of an additional building, or buildings, at said Montana School for Deaf and Blind would be conducive to the welfare of the state, the relief of the unemployed and destitute, and the public health, safety, convenience and welfare of the people.

Repealing
clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

CHAPTER 54.

An Act Amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, Requiring Every Person, Firm, Co-Partnership, Association, Joint Stock

Company, Syndicate and Corporation Engaged in or Carrying on the Business of Constructing, Maintaining and Operating Telephone Lines and Telephone Instruments Within the State of Montana, to Pay License Taxes and Providing Penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, of Chapter 174, of the Session Laws of 1933, be amended to read as follows: Amending clause.

“Section 1. Every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in the business of operating or maintaining telephone lines and furnishing telephone service in the State of Montana, whether as owner, lessee, trustee or receiver or in any other capacity, shall pay in to the State Treasurer on or before the first day of March each year a license tax in the amounts following for each telephone instrument used, controlled and operated by it in the conduct of such business: License tax on telephones.

A license tax of Two Dollars (\$2.00) for each such instrument. Amount of tax.

No bill, statement or account rendered or given any customer by any telephone company shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act. Every person, firm, co-partnership, association, joint stock company, syndicate or any corporation affected by the provisions of this Act shall be permitted to claim as exempt from the tax imposed by this Act any telephone instrument where the rate charged the customer therefor does not exceed Two Dollars (\$2.00) per month for residence phone, or Four Dollars (\$4.00) per month for business house or office phone. Provided further, that the provisions of this Act shall not apply to mutual telephone companies or lines not organized or used or operated for private or corporate gain.” Not to be set out on customer's account.

Exempt at certain rate.

Section 2. That Section 4, of Chapter 174, of the Session Laws of 1933, be amended to read as follows: Amending clause.

“Section 4. Five per centum (5%) of the license fees paid to the State Treasurer under this Act are hereby appropriated and shall be set aside by him for the purpose of defraying the cost of administering this Act by the State Board of Equalization, and the remaining 5% to be set aside for administration.

Balance to
Emergency
Relief Fund.

ninety-five per centum (95%) thereof shall be by him credited to the Emergency Relief Fund until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said ninety-five per centum (95%) of such license fees shall be by such State Treasurer credited to the General Fund of the state."

Saving
clause.

Section 3. No tax which has attached, accrued, or become due or payable under the provisions of Chapter 174, Session Laws, 1933, shall be released or waived by the passage or approval of this Act but the same shall be paid as provided in said chapter before its amendment by this Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

CHAPTER 55.

An Act Requiring All Persons, Co-Partnerships, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaged in, or Carrying on, the Business in This State of Contracting, or Who Shall Enter Into Construction or Improvement Contracts, to Pay to the State Board of Equalization Certain License Taxes for Engaging in, Carrying on, and Entering Into Such Business in This State; Fixing the Amount of Such License Taxes; Providing a Method for the Assessment, Collection and Disposition Thereof; and Providing Penalties for the Violation of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. As used in this Act, the following definitions shall apply:

"Person."

(1) The word "person" means any person, co-partnership, firm, association, joint stock company, syndicate, or corporation.

"Contractor."

(2) The word "contractor" means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any

building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other material, or any other building material; or who shall accept or offer to accept contracts to do any grading, paving, curbing or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terra cotta, or other material, or who shall accept any other work which shall require labor or any other work to be done by labor other than solely by the personal labor of the person contracting to do such labor; or who shall construct or aid in the construction or improvement of any project, enterprise or undertaking by contract.

Section 2. Every contractor shall pay to the State Board of Equalization for engaging in and carrying on such business in this state an annual minimum license fee of One Dollar (\$1.00) plus an additional amount based upon gross receipts, and provided further, that when the gross receipts of contractors in any one (1) year in payment of contracts increases to the amounts hereinafter set forth, the license fee shall be increased as follows:

License tax on contractor.

Based on gross receipts.

When the gross amounts received on all orders or contracts is more than Five Thousand Dollars (\$5,000.00), and less than Ten Thousand Dollars (\$10,000.00), the license fee shall be Fifteen Dollars (\$15.00);

\$5,000-
\$10,000.

When the gross amount receipts exceed Ten Thousand Dollars (\$10,000.00), and not more than Twenty Thousand Dollars (\$20,000.00), the license fee shall be Twenty Dollars (\$20.00);

\$10,000-
\$20,000.

When the gross receipts exceed Twenty Thousand Dollars (\$20,000.00), and do not exceed Fifty Thousand Dollars (\$50,000.00), the total license fee shall be Twenty-five Dollars (\$25.00);

\$20,000-
\$50,000.

When the gross receipts exceed Fifty Thousand Dollars (\$50,000.00), and do not exceed One Hundred Thousand Dollars (\$100,000.00), the total license fee shall be Sixty-five Dollars (\$65.00);

\$50,000-
\$100,000.

\$100,000-
\$150,000.

When the gross receipts exceed One Hundred Thousand Dollars (\$100,000.00), and do not exceed One Hundred Fifty Thousand Dollars (\$150,000.00), the total license fee shall be One Hundred Twenty-five Dollars (\$125.00);

\$150,000-
\$300,000.

When the gross receipts exceed One Hundred Fifty Thousand Dollars (\$150,000.00), and do not exceed Three Hundred Thousand Dollars (\$300,000.00), the total license fee shall be One Hundred Seventy-five Dollars (\$175.00);

\$300,000-
\$500,000.

When the gross receipts exceed Three Hundred Thousand Dollars (\$300,000.00), and do not exceed Five Hundred Thousand Dollars (\$500,000.00), the total license fee shall be Three Hundred Dollars (\$300.00);

\$500,000-
\$1,000,000.

When the gross receipts exceed Five Hundred Thousand Dollars (\$500,000.00), and do not exceed over One Million Dollars (\$1,000,000.00), the total license fee shall be Three Hundred Fifty Dollars (\$350.00);

\$1,000,000
or over.

When the gross receipts are One Million Dollars (\$1,000,000.00), or over, the total license fee shall be Four Hundred Dollars (\$400.00).

Payment of
minimum fee
essential
before bids
will be
considered.

No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder for payment of the minimum annual license fee appears upon such bid.

Statement
shall be
rendered
to Board.

Section 3. Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, of all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information as the State Board of Equalization may require. Reports shall be rendered every three (3) months to the State Board of Equalization and at such other times as the State Board may require. The original One Dollar (\$1.00) license fee shall be paid on or before January first (1) of each year. The additional license tax shall be payable at such times as shall be required by the rules of the State Board of Equalization. The year for which the license fee shall be required shall extend from March 1, 1934, for the year 1934, and thereafter from January first (1) of each year.

When
license fees
payable.

Section 4. The State Board of Equalization shall have the power, and it shall be its duty from time to time to adopt, publish and enforce such rules and regulations not inconsistent herewith as it may deem requisite for the purpose of carrying out the provisions of this Act.

Board to make rules and regulations.

Section 5. Any such license tax not paid within the time herein provided for shall be delinquent and a penalty of ten per cent (10%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one per cent (1%) per month from the date of delinquency until paid.

Penalty for delinquency.

Section 6. Each contractor shall keep a record in such form as the State Board of Equalization shall require, showing the gross price or total payment received by such contractor for each and every such contract, project, enterprise or undertaking handled, entered into, done or contracted for within this state, and such other information as the State Board of Equalization may require.

Contractor to keep a record.

Section 7. Each contractor, who fails, neglects, or refuses to make and file the statements required by this Act in the manner or within the time herein provided, or who shall make any false statement with reference to his said business as a contractor, shall be deemed guilty of having committed a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not to exceed six (6) months, or shall be punished by the imposition of both such fine and imprisonment.

Penalty for failure to file and for false statements.

Section 8. If any contractor or other person subject to the payment of such license tax shall fail, neglect, or refuse to make any statement required by this Act, or shall fail to make payment of such license tax within the time herein provided, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may regarding the matters and things required to be set forth in such statement and from such information as it may be able to obtain, to make a statement showing such matters and things and determine and fix the amount of the license tax due the state from such delinquent contractor and shall add thereto a penalty of five per cent (5%) thereof for the first failure, neglect or refusal; ten per cent (10%) for

On failure of contractor to comply Board may inform itself and tax.

Additional penalties.

Interest to
be charged.

Attorney
General to
prosecute
collections.

Tax shall
be lien on
property.

Must file
statement
in county
where
property
is located

When lien
shall be
released.

Board may
release to
provide
money from
sale to
pay tax.

the second; fifteen per cent (15%) for the third; and twenty-five per cent (25%) for the fourth, and each subsequent failure, neglect and refusal, which shall be in addition to the ten per cent (10%) penalty hereinbefore provided for non-payment of such license tax within the time herein provided. Said license tax and the penalties added thereto shall bear interest at the rate of one per cent (1%) per month from the date such statements should have been made and said license tax paid. The State Board of Equalization shall then proceed to collect such license tax with penalties and interest. Upon the request of the State Board of Equalization it shall be the duty of the Attorney General to commence and prosecute to final determination in any Court of competent jurisdiction an action to collect such license tax. All license taxes due from any contractor under the provisions of this Act, together with all penalties and interest thereon, shall be a lien upon any and all property of such contractor or other person upon the filing by the State Board of Equalization, of a duplicate copy of the statement so made by the State Board of Equalization, or a certified copy of any statement filed with said Board in the office of the County Clerk of the county where such property is situated, which lien shall have precedence over any other claim, lien or demand thereafter filed or recorded and which may be enforced in the name of the State of Montana in the same manner as other liens are enforced by law. No action shall be maintained to enjoin the collection of such license tax or any part thereof. When the amount due the state is paid in full and before the entry of foreclosure decree, the State Treasurer shall release the said lien by filing in the office of the County Clerk wherein is filed the lien, a written release thereof. At any time prior to the payment of said taxes, penalty and interest, before the entry of foreclosure decree, the State Board of Equalization may release from the operation of said lien a part of said property to enable the contractor to mortgage, sell or otherwise dispose of the same in order to procure funds with which to pay said taxes, penalty and interest, provided there remains, in the judgment of the State Board of Equalization, sufficient property subject to said lien to insure the payment of the whole of said unpaid taxes, penalty and interest.

Section 9. The books and records of every contractor shall be open and subject to inspection by the State Board of Equalization or any of its employees or assistants during business hours so far as may be necessary to ascertain the amount of license tax due.

Books and records subject to inspection.

Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees and taxes imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said Board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation and after deducting the expenses incurred in the administration of this Act, fifty per cent (50%) of such license fees and taxes shall be by the State Treasurer credited to the General Fund of the State, twenty-five per cent (25%) to the Common School Equalization Fund, and twenty-five per cent (25%) to the Common School Interest and Income Fund.

Expenses of administration to be paid from Act.

Disposition of money collected.

Section 11. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Saving clause.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

CHAPTER 56.

An Act Providing for the Administration and Expenditure of the Emergency Relief Fund and Appropriating

**Money for the Montana Relief Commission for a Period
Beginning January 1, 1934, and Ending March 1, 1935.**

Be it enacted by the Legislative Assembly of the State of Montana:

**Appropriation from
Relief Fund.**

Section 1. There is hereby appropriated out of the Emergency Relief Fund the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00), or so much thereof as may be necessary.

**How funds
shall be ad-
ministered.**

Section 2. The funds herein appropriated shall be administered by the Montana Relief Commission under the authority and provisions of Chapter 20, of the Laws of the Extraordinary Session of 1933, and under the same rules and regulations provided by such Commission for the administering of Federal Relief Funds, and for providing means of employment for the unemployed. Complete records and reports of all disbursements made of such funds by such Commission shall be filed with the Secretary of the State Board of Examiners at such times as shall be required by said State Board of Examiners. All such disbursements and records pertaining thereto shall be subject to examination and audit by the State Examiner and it shall be his duty to examine and audit such records when and at such intervals as he shall be directed to so do by the State Board of Examiners. The fiscal rules and regulations of the United States Government, as enjoined upon the Montana Relief Commission, shall be used as the method of accounting for all funds appropriated under this Act.

**Report of
expenses
to be filed.**

**Records
subject
to audit.**

**Method of
accounting.**

**Treasurer
directed
to disburse
funds when.**

**Board of
Examiners
may terminate
use of funds.**

Section 3. The State Treasurer is hereby directed to disburse the moneys appropriated by this chapter upon warrants issued by the State Auditor, under the direction of the State Board of Examiners, for the use of said Montana Relief Commission. The State Board of Examiners shall have power by resolution to terminate the expenditure of funds under this Act when it shall deem it necessary and proper so to do.

Section 4. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

CHAPTER 57.

An Act to Amend Section 97, of Chapter 105, (Commonly Called the Liquor Control Act), of the Twenty-third Legislative Assembly in Regular Session Assembled, Relating to the Allocation and Distribution of Net Profits, Derived from the Administration of the Law, to the State and Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 97, of Chapter 105, of the Laws enacted by the Twenty-third Legislative Assembly in the year 1933, in Regular Session assembled, be, and the same is hereby amended to read as follows:

Amending
clause.

“Section 97. When all the liquor stores which can be legally established throughout the state have been established and the administration **expenses shall have been** paid, the net profits derived from time to time in the administration of the Act shall be allocated, 50% to the Emergency Relief Fund of the State of Montana to be administered by the Emergency Relief Commission, and the other 50% to the General Fund of the state; this to continue until February 1st, 1935; thereafter all such net profits shall be allocated, 50% to the General Fund of the state and 50% to the General Funds of the counties in the proportion that the population of each county bears to the total population of the state based on the last official U. S. Census.”

How profits
of liquor
stores shall be
distributed.

How distrib-
uted after
Feb. 1, 1935.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

**APPROPRIATIONS
MEMORIALS AND RESOLUTIONS**

ENACTED BY THE

EXTRAORDINARY SESSION

OF THE

Twenty-third Legislative Assembly

STATE OF MONTANA

1933-1934

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 2.

An Act to appropriate Money for the Payment of Mileage and Per Diem to the Members of the Extraordinary Session of the Twenty-third Legislative Assembly; Per Diem to the Officers and Attaches and for Incidental Expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Thirty-eight Thousand and Sixty Dollars\$38,060.00

For the payment of per diem to the officers and attaches of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Seven Thousand Three Hundred Fifty Dollars.....\$ 7,350.00

For the payment of incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Three Thousand Six Hundred Seventy-five Dollars.....\$ 3,675.00

Section 2. Any amount or amounts remaining in any appropriation for the Extraordinary Session of the Twenty-third Legislative Assembly may be transferred to supplement the amount or amounts remaining in any other appropriations for Extraordinary Session of the Twenty-third Legislative Assembly; provided, that the aggregate amount of all such appropriations shall be neither increased nor decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

EXTRAORDINARY SESSION LAWS

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved November 29, 1933.

HOUSE BILL NO. 31.

An Act to Appropriate Money to Establish and Operate State Liquor Stores Authorized by Chapter 105, of the Laws of the Twenty-third Legislative Assembly of the State of Montana, Commonly Known as the State Liquor Control Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following sum, or so much thereof as shall be found necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the establishment, stocking and operating of the State Liquor Stores authorized by Chapter 105, of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the State Liquor Control Act. Provided, however, that any sum hereby appropriated and used for the purposes above mentioned shall be returned to the General Fund by the Liquor Control Board before any distribution of net profits.

For the establishment, stocking and operating of the
State Liquor Stores as authorized by Chapter 105,
of the Laws of the Twenty-third Legislative As-
sembly, One Hundred Thousand Dollars.....\$100,000.00

Section 2. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. If any portion of this Act be declared invalid, it shall not affect the validity of any other part or parts.

Section 4. This Act shall be in full force and effect from and after its passage.

Approved January 9, 1934.

HOUSE BILL NO. 70.

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Extraordinary Session of the Twenty-third Legislative Assembly; Per Diem to the Officers

TWENTY-THIRD LEGISLATIVE ASSEMBLY

and Attaches and for Incidental Expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Thirty-three Thousand Dollars.....\$33,000.00

For the payment of per diem to the officers and attaches of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Thirteen Thousand Five Hundred Dollars.....\$13,500.00

For the payment of incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Nine Thousand Five Hundred Dollars\$ 9,500.00

Section 2. The amounts provided in the above section shall be used for the purposes designated, except that any amount may be transferred from one item to supplement that of another, providing the aggregate is neither increased nor decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved December 22, 1933.

HOUSE BILL NO. 71.

An Act Appropriating Money for the Purchase of Materials, Equipment and Supplies to be Used in Connection with the Repairs and Alterations to the State Capitol Buildings and Grounds, and Architects Fees in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

EXTRAORDINARY SESSION LAWS

Section 1. That the sums hereinafter named be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana not otherwise appropriated, for the purpose of purchasing equipment, materials and supplies to be used in connection with the work of the Montana Civil Works Board, created by authority of the United States Government, in the repair and alteration of the State Capitol Buildings and Grounds, and for the purpose of paying architects fees in connection therewith, to-wit:

For equipment, materials and supplies, Forty-nine

Thousand One Hundred Forty-seven Dollars.....\$49,147.00

For architects fees, Six Thousand Dollars.....\$ 6,000.00

Section 2. Upon completion of the said work by and under the direction of said Montana Civil Works Board, all unexpended portions of the moneys hereby appropriated shall revert to the General Fund and shall not be used for the purpose of any repairs or alterations other than those undertaken and done by said Montana Civil Works Board.

Section 3. The moneys herein appropriated for equipment, supplies and materials shall be disbursed by the State Board of Examiners for the purchase of materials to be used in repairs to the State Capitol Building under the supervision of the Montana Civil Works Board and all purchases of materials hereunder shall be made through the State Purchasing Agent, and shall be of kind and quality approved by the Supervising Officer representing the Montana Civil Works Board and the State Board of Examiners.

Section 4. Due to the great economic depression existing in the United States and in the State of Montana from which some relief by employment must be afforded during the coming winter, and due to the fact that the United States Government has provided funds for the employment of labor and for the payment of a portion of the costs of material and supplies, and it is necessary that the State of Montana furnish the remaining portion of such materials, supplies and equipment, and because of the danger to public peace, health and safety which will arise out of such unemployment if relief therefrom is not afforded, there is hereby declared to be an emergency for the passage of this law as necessary for the immediate preservation of public peace, health and safety.

Section 5. The appropriations hereinabove provided for shall be held valid notwithstanding the provisions of the Budget Act.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved January 13, 1934.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 73.

An Act to appropriate Money from the State Highway Fund for the Operation and Maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry, for the Period Beginning January 1, 1934, and Ending June 30, 1935, and Additional to and Supplementing the Appropriations Made for Such Office by the Twenty-third Legislative Assembly in Regular Session.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Highway Fund, not otherwise appropriated, for the Horticultural Division of the Department of Agriculture, Labor and Industry, for the period beginning January 1, 1934, and ending June 30, 1934:

For salaries and traveling expenses of inspectors,
Three Thousand Five Hundred Dollars.....\$3,500.00

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Highway Fund, not otherwise appropriated, for the Horticultural Division of the Department of Agriculture, Labor and Industry, for the year beginning July 1, 1934, and ending June 30, 1935:

For salaries and traveling expenses of inspectors,
Three Thousand Five Hundred Dollars.....\$3,500.00

Section 3. The appropriations above provided are in addition and supplemental to any appropriation made for the Horticultural Division of the Department of Agriculture, Labor and Industry, for the period beginning January 1, 1934, and ending June 30, 1935, by the Twenty-third Legislative Assembly in Regular Session.

Section 4. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved January 5, 1934.

EXTRAORDINARY SESSION LAWS

HOUSE BILL NO. 75.

An Act to Appropriate Money from the General Fund for the Operation and Maintenance of the Office of the State Engineer for the Period Beginning July 1, 1933, and Ending June 30, 1935; and Additional to and Supplementing the Appropriations Made for Such Office by the Twenty-third Legislative Assembly in Regular Session.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the office of the State Engineer for the year beginning July 1, 1933, and ending June 30, 1934:

For salaries, Two Thousand Two Hundred	
Thirty Dollars	\$2,230.00
For other operation, One Thousand Dollars.....	\$1,000.00
For stream measurement, Six Thousand Dollars.....	\$6,000.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the office of the State Engineer for the year beginning July 1, 1934, and ending June 30, 1935:

For salaries, One Thousand Two Hundred	
Thirty Dollars	\$1,230.00
For other operation, One Thousand Dollars.....	\$1,000.00
For stream measurement, Nine Thousand Dollars.....	\$9,000.00

Section 3. The appropriations above provided are in addition and supplemental to any appropriations made for the office of the State Engineer for the period July 1, 1933, to June 30, 1935, by the Twenty-third Legislative Assembly in Regular Session.

Section 4. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved January 5, 1934.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 80.

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Extraordinary Session of the Twenty-third Legislative Assembly; Per Diem to the Officers and Attaches and for Incidental Expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Fifteen Thousand One Hundred Dollars..\$15,100.00

For the payment of per diem to the officers and attaches of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Eight Thousand Dollars\$ 8,000.00

For the payment of incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, Four Thousand Five Hundred Dollars.....\$ 4,500.00

Section 2. The amounts provided in the above section shall be used for the purposes designated, except that any amount may be transferred from one item to supplement that of another, providing the aggregate is neither increased nor decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved January 13, 1934.

HOUSE BILL NO. 83.

An Act to Appropriate Money from the General Fund for the Operation and Maintenance of the Governor's Mansion and

EXTRAORDINARY SESSION LAWS

Office. The Appropriations Made by the Twenty-third Legislative Assembly Having Been Found Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury in the General Fund of the State of Montana, not otherwise appropriated for the objects and purposes expressly enumerated hereinafter, for the period ending June 30, 1935.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries, Two Thousand Five Hundred Dollars.....\$2,500.00
For Other Operations, One Thousand Dollars.....\$1,000.00

GOVERNOR'S MANSION

FROM THE GENERAL FUND

For Materials and Supplies for Repairs, One
Thousand Five Hundred Dollars\$1,500.00

Section 2. The appropriations enumerated hereinbefore are declared to be made because of the fact that there are insufficient funds available for the operation and maintenance of the Governor's Mansion and Office to June 30, 1935.

Section 3. The appropriations contained herein shall be held and deemed legal and valid notwithstanding the provisions of the Budget Act.

Section 4. This Act is hereby deemed and declared an emergency and shall be in full force and effect from and after its passage and approval.

Approved January 20, 1934.

SUBSTITUTE FOR HOUSE JOINT MEMORIAL NO. 1.

A Memorial to the Congress of the United States of America Requesting the Purchase of Montana Cattle for Distribution to Workers on Federal Projects and for the Relief of the Destitute in the State of Montana.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

To the Honorable Senate and House of Representatives of the United States of America :

Your Memorialists, the members of the Extraordinary Session of the State of Montana Twenty-third Legislative Assembly, respectfully represent that:

WHEREAS, the Federal Government supplies rations to workers on Federal projects and also for the relief of the needy, and

WHEREAS, Montana is a producing state and has a surplus of approximately three hundred thousand (300,000) cattle of good type and exceptional quality, and

WHEREAS, adverse weather conditions would result in the death of many of these animals from starvation if the Federal Relief Commission did not provide hay and grain for their subsistence, and

WHEREAS, the Chief, U. S. Bureau of Animal Industry, has signified his willingness and intention to provide temporary emergency meat inspection at slaughter houses and abattoirs within the State of Montana, which are approved by representatives of the United States Bureau of Animal Industry and Montana Livestock Sanitary Board, so that the carcasses of animals slaughtered at such establishments may be inspected and passed upon by Federal meat inspectors and purchased by Federal agencies for distribution to workers on Federal projects and for relief, and

WHEREAS, fresh meat is a more palatable and nutritious product than canned meat, and

WHEREAS, climatic conditions in the State of Montana make the distribution of fresh beef more economical than the distribution of canned beef.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Montana, the Senate concurring, that this Legislative Assembly petition and memorialize the Congress of the United States of America to provide that beef distributed within the State of Montana for workers on Federal projects and for the relief of the destitute be fresh meat from animals raised and slaughtered in the State of Montana.

BE IT FURTHER RESOLVED, that the Secretary of the State of Montana, be, and is hereby directed forthwith to transmit a copy of this Memorial to each, the President of the United States, the President of the United States Senate, the Secretary of War, the

EXTRAORDINARY SESSION LAWS

Secretary of Agriculture, the Speaker of the House of Representatives, the Montana Delegation in Congress, and the Agricultural Adjustment Administration.

Approved December 18, 1933.

HOUSE JOINT MEMORIAL NO. 2.

A Memorial Addressed to the Congress of the United States, Requesting the Enactment of Effective Laws Prohibiting the Producers and Distributors of Gasoline from Establishing Unfair and Unjust Prices for the Sale at Retail to the People of the United States, and Thus Removing Unjust Discrimination.

To the Senate and House of Representatives of the United States, in Congress Assembled:

Your Memorialists, the members of the Twenty-third Legislative Assembly of the State of Montana, in Special Session assembled, the House and Senate concurring, respectfully request that ways and means may be by you devised at an early date for the determination and fixing of a fair and just value of the price of gasoline at retail throughout the States of the Union; and to that end and for that purpose that a law be enacted prohibiting the producers and distributors of gasoline from fixing unjust, unfair and discriminatory prices for the sale of gasoline in the several states, thus prohibiting and preventing producers and distributors of gasoline from establishing unfair, unjust and discriminatory differentials in prices for the sale of gasoline at different points in the several states, thereby relieving the consumer from the payment of exorbitant and discriminatory prices for gasoline. Further, in this connection, we respectfully suggest the propriety of enacting a law conferring upon the Interstate Commerce Commission the power and authority to establish and fix rates at which gasoline may be sold by the producers and distributors thereof, and providing heavy penalties for unjust and unfair discrimination or other violation of the law or the regulations promulgated by the Interstate Commerce Commission prescribing rates at which gasoline shall be sold to the consumers in the United States.

BE IT FURTHER RESOLVED, that a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives in the Congress of the United States from the State of Montana.

Approved December 18, 1933.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

HOUSE JOINT MEMORIAL NO. 4.

A Memorial to the President of the United States and Congress of the United States Relating to the Condition of Agriculture Within the United States.

WHEREAS, a most critical condition exists in the United States; many farmers in this state are in grave danger of losing their homes; the condition of the agricultural interests of the United States are in so grave a condition as to amount to a national calamity; and

WHEREAS, the products raised by the farming population of the State of Montana and other states of the Northwest are only produced at a loss by such farmers; and

WHEREAS, we believe that the condition can only be remedied by some action upon the part of the President of the United States and the Congress of the United States to the end that prices of Agricultural commodities be fixed at a price at least equal to the cost of production and enough profit that those engaged in farming may live; and

WHEREAS, it appears that the various industries of the United States are being organized under codes to protect the rights of such industries and the workers in the same.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring, that the President of the United States and Congress take such steps as may be necessary to secure the adoption of a code for and by farmers which will permit the fixing of prices so as to relieve this very serious condition; and that if same can not be done without further legislation, that Congress shall pass such legislation as will enable the agricultural interests to combine under a code and into an association or associations that the price of our agricultural products may be fixed for the welfare of the agricultural population and the entire nation; and

BE IT FURTHER RESOLVED, that the Secretary of the State of Montana transmit a copy of this Memorial to the President of the United States and that he also transmit copies thereof to each Senator and Representative at Washington from the State of Montana.

Approved December 22, 1933.

EXTRAORDINARY SESSION LAWS

HOUSE JOINT MEMORIAL NO. 5.

A Memorial to the President of the United States of America Requesting an Investigation of Water Control of the Yellowstone River in Yellowstone Park.

To the Honorable President of the United States of America:

WHEREAS, during parts of the months of June and July of each year the flow of water in the Yellowstone River is greatly augmented by the melting of snow, causing serious damage to farms bordering on said river by the washing away of the banks and encroaching on valuable tillable land, the menacing and destruction of irrigation headgates, bridges and other structures along the course of said Yellowstone River, and adding to the excessive flow of the Missouri and Mississippi Rivers during the high water state of same; and

WHEREAS, if the flow during the period mentioned could be partially impounded and allowed to escape at a later period, it would very largely prevent the damage as before related; and

WHEREAS, if the waters of Yellowstone Lake were held at a fairly constant level and allowed to flow at the period when the flow of the river is lowest, namely, during the later days of July and all of August, it would add greatly to the beauty of the falls, and would make the lake more attractive by keeping mud banks covered with water; and

WHEREAS, we, your Memorialists, believe that an investigation by competent engineers will corroborate our belief and show that such works are feasible and can be constructed at moderate cost.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the President of the United States be, and hereby is, respectfully urged to consider the facts set forth herein, that same be investigated promptly, and that such action be taken as you may deem wise and proper.

BE IT FURTHER RESOLVED, that the Secretary of State of Montana transmit a copy of said Memorial to the President of the United States, and that he also transmit copies thereof to each Senator and Representative at Washington, District of Columbia, from the State of Montana, with a request that they cooperate in seeing that this matter be brought to the personal attention of the President of the United States.

Approved January 4, 1934.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

HOUSE JOINT RESOLUTION NO. 3.

A Resolution Urging the Passage and Approval of Appropriate Legislation by the Next Session of Congress Providing for a Sufficient Protective Tariff for the Promotion and Betterment of the Domestic Manganese Industry and Regulating the Importation of Foreign Manganese.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, we are reliably informed that the American producers of manganese are now in Washington working in behalf of the promotion of the domestic manganese industry, and are endeavoring to have enacted appropriate legislation designed for that purpose, and

WHEREAS, the promotion of the manganese industry in this country would bring to the State of Montana unusual benefits, ameliorate the present economic conditions to a great extent and would relieve unemployment in the larger industrial centers of this state, and

WHEREAS, Montana produces the highest grade manganese ore and as it contains fewer impurities than any other known ore in the world, and

WHEREAS, Montana produced the larger part of all manganese used during the World War,

NOW, THEREFORE, BE IT RESOLVED, that it is the sense of the members of the Twenty-third Legislative Assembly of the Extraordinary Session now assembled, that we heartily and unqualifiedly endorse and urge enactment of appropriate legislation providing for a high and sufficient protective tariff for the domestic industry so that the importation of foreign manganese produced by cheap labor in countries with a low standard of living.

BE IT FURTHER RESOLVED, that a copy of this Resolution, be forwarded to the President of the United States, to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of the State of Montana in Congress.

Approved December 21, 1933.

SENATE JOINT MEMORIAL NO. 1.

A Memorial to the President and to the Congress of the United States, Requesting the Establishing of an Assay Office at Some Appropriate Point in the State of Montana.

EXTRAORDINARY SESSION LAWS

To the President and the Honorable Senate and House of Representatives of the United States in Congress Assembled:

We the members of the Twenty-third Legislative Assembly of the State of Montana do hereby respectfully represent that;

WHEREAS, Montana has been one of the large gold producing states and the decline in the marketing of gold which resulted in the removal of the old assay office in Montana was general throughout the United States because of interest for many years being centered in the mining of other metals and the mining of gold was not generally profitable, and

WHEREAS, since the beginning of the present economic crisis, and especially since the release of the embargo upon the marketing of gold the mining of that metal has become more profitable and is now of especial importance as an occupation for thousands of unemployed. During the past seasons, and more particularly at the present time, hundreds of men and boys, and even women, have engaged and are now engaged in placer mining with a shovel and pan or with other crude methods handed down from the early placer miners, and have thereby been able to take from the soil free gold in quantities ranging from a few cents in value up to substantial amounts. These people have been able to keep partially or entirely out of the bread line and it is in keeping with the spirit of the National Recovery Act to afford to them every opportunity to gain an independent livelihood in this manner, and

WHEREAS, in marketing their product through the avenues now open to them these miners are deprived of a great deal of the benefit of their industry in that there are weeks of delay in obtaining settlement for their product. Forms which baffle even a lawyer must be filled out and are usually returned two or three times for correction, or the miner must find some other method of marketing his product which also deprives him of the full benefit of the Government price, and

WHEREAS, under the existing regulations which limit the purchase by the Government to two ounces of fine gold in one shipment, a man producing less than that amount must combine with others or wait for weeks or months to accumulate two ounces of gold before they can receive any benefit from it, or he will dispose of it for what he can get quickly, as he needs the money for immediate necessities, and

WHEREAS, these considerations also apply to the small operators who are employing men and are seeking to establish mining operations on a larger scale and who are recovering their gold in bulk or bullion form. The ready sale of their product is necessary

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to maintain their operations and there is no reason why they should not receive the full Government price for their metal instead of being subjected to the charges of intermediary purchasers or sales agents amounting to around ten per centum as a rule.

NOW THEREFORE, BE IT RESOLVED by the Senate of the State of Montana and by the House of Representatives concurred that appropriate action be taken by Congress, if necessary, and by the President if he is now authorized to do so by law, for the establishment at some appropriate point in Montana, most convenient to the gold producing territory, an assay office where gold in quantities from half an ounce up may be sold by producers to the Government at the full market price and settlement therefor made promptly as in the days when the United States Assay Office was maintained at the Capital of the State.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Montana is hereby directed to forward to the President of the United States and to the Senators and Representatives in Congress from the State of Montana, copies of this Memorial.

Approved December 22, 1933.

SENATE JOINT MEMORIAL NO. 3.

A Memorial to the President of the United States, the Secretary of Agriculture of the United States, and Chief Forester of the United States.

WHEREAS, it appears that the allocation of men to Civil Works projects on National Forests has so far been confined by the Civil Works Administration at Washington to twenty-five (25) men; and

WHEREAS, we are informed that it had been previously estimated that nearly twelve thousand (12,000) men would be employed in Montana, Northern Idaho, Eastern Washington and Western South Dakota, and that this order was made in the belief that by reason of the Civil Works program in Montana, work in the forests would not be necessary; and

THAT WHEREAS, after all men now receiving relief are employed, which will be employed under the Civil Works program, there will remain four thousand (4,000) men in the State of Montana unemployed, who are now on relief; and thirty thousand (30,000) men out of employment registered with the employment service and seeking employment, and most of whom will require employment or relief during the winter;

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THAT WHEREAS, several thousand of these men would be employed on Civil Works projects in National Forests within the State of Montana if said work were not discontinued, and that it is necessary in order to provide work, food and clothing for men within the State of Montana that said work in the National Forests be continued during the coming winter, and that plans of the Forest Service have already been completed so that these men might be immediately put to work in such service;

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the President of the United States, the Secretary of Agriculture and the Chief Forester of the United States are respectfully urged to revoke the order discontinuing said Civil Works on National Forests within the State of Montana, and that said works continue as heretofore planned, and that during the coming winter there be employed in said projects within the State of Montana as many men from said state as can be employed to carry out said projects planned.

BE IT FURTHER RESOLVED, that the Secretary of State of Montana transmit a copy of said Memorial to the President of the United States, to the Secretary of Agriculture, and to the Chief Forester of the United States, and that he also transmit copies thereof to each Senator and Representative from the State of Montana at Washington, D. C. with a request that they render all assistance possible to the end that the Civil Works program within the State of Montana continue its program of civil works in the National Forests within the State of Montana during the present winter, and employ as many men as is possible from the State of Montana in said works during said period.

Approved January 1, 1934.

SENATE JOINT MEMORIAL NO. 4.

A Memorial to the President of the United States Relating to the Administration of Federal Farm Loans by the Federal Land Bank Located at Spokane, Washington, and Other Agencies in Relation to Loans Upon Farms Within the State of Montana.

WHEREAS, a most critical condition exists in the United States, and many farmers in this state are in grave danger of losing their homes; and

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WHEREAS, we appreciate all that the President of the United States is doing in their behalf, and we express our full faith and confidence in his aims and program to aid and relieve our farming population; and

WHEREAS, the Federal farm loans in the State of Montana have been made through the Federal Land Bank at Spokane, Washington; and

WHEREAS, it appears that said Federal Land Bank is unjustly discriminating against the farmers and ranchers of the State of Montana in that said Land Bank has almost ceased to function as an active agency in the State of Montana, and has encouraged farmers and ranchers in this state to make applications for loans and such applications have been made at great inconvenience and expense and large numbers of loans have been requested, the security being adequate to warrant such loans, and that said applications have been delayed for long periods of time and finally rejected without any good reason for such rejection; and

WHEREAS, said Land Bank has adopted a policy of requiring citizens of this state to include within the security given for their loans mortgages on live stock owned by such applicants and has required the execution of mortgages on real estate and chattel mortgages where loans have been granted, in an arbitrary manner so as to encumber all liquid assets of borrowers and leave them helpless and unable to proceed in a reasonable manner to support themselves or families; and

WHEREAS, we believe that the regulations and requirements of said Land Bank as it functions in the State of Montana are wholly unreasonable and discriminatory against the citizens of this state and that same are being administered harshly and with no consideration to the welfare of this state or its citizens, and that by reason of the fact that the Federal Land Bank is located without the state and is not interested in the welfare of the citizens of this state, and that the law authorizing these Federal farm loans as at present administered within the State of Montana is of no benefit to the citizens of this state;

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the President of the United States be and hereby is respectfully urged to consider the facts set forth herein, that same be investigated promptly and that an agency be established within the State of Montana to serve the people of this state, and that

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the Federal Land Bank at Spokane be required to modify its rules and regulations to permit such consideration as is within the purpose and intent of the law and the liberal policy advocated and approved by the President of the United States; and

BE IT FURTHER RESOLVED, that the Secretary of State of Montana transmit a copy of said Memorial to the President of the United States, and that he also transmit copies thereof to each Senator and Representative at Washington from the State of Montana, with a request that they co-operate in seeing that this matter be brought to the personal attention of the President of the United States.

Approved January 1, 1934.

SENATE JOINT MEMORIAL NO. 5.

A Memorial to the President and Congress of the United States
Requesting a Continuation of the National Policy of Assisting
Distressed Drainage Districts, Levee Districts and Irrigation
Districts in Funding and Refunding the Debts of Such Dis-
tricts.

WHEREAS, The Legislature of the State of Montana recognizes the distressed condition of irrigation and reclamation districts throughout the State of Montana, as well as in other Western States, and the urgent need of relief for the drainage and levee districts in other states; and

WHEREAS, The Congress of the United States, by Section 36, Part 4, of the Emergency Farm Mortgage Act of 1933, as amended, has appropriated the sum of \$50,000,000 for the purpose of making refunding loans to drainage districts, levee districts, levee and drainage districts, irrigation districts and similar districts, duly organized under the laws of any state, under certain defined conditions; and

WHEREAS, although many of such districts already have been able to compose their debts to secure suitable reduction agreements with their creditors and to make application to the Reconstruction Finance Corporation for refunding loans, which applications have been granted, there are now on file with the Reconstruction Finance Corporation, pursuant to said Act, applications that will total an amount far in excess of the fund now available; and

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WHEREAS, under existing legislation no such refunding loans can be made after January 23, 1934, and because of the great amount of detailed work involved in securing reduction agreements between such distressed districts and their creditors and other work necessary in preparing applications for said refunding loans, it is clear that in many deserving cases such applications cannot be completed before the expiration of the present loan-making period; and

WHEREAS, in many districts that have been in financial distress for a period of several years, structures of the irrigation or drainage system, as the case may be, have not been repaired or renewed when necessary, which repair or renewal is necessary to place these systems in proper operating condition, and to preserve the security of creditors, for financing which the present appropriation of \$50,000,000 makes no provision,

THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, the House of Representatives concurring, that the Congress of the United States be respectfully requested and urged, at the coming session beginning January 3rd, 1934, to continue the wise and beneficial national policy already adopted, to make a further appropriation sufficient in amount to complete the refunding of the debts of such distressed districts, to extend the time within which such refunding loans may be made by at least two years, beginning January 23rd, 1934, and to broaden the scope of the loan service to permit loans from the Reconstruction Finance Corporation or from the United States Public Works Administration to finance strictly necessary repairs or reconstruction work on the irrigation or reclamation systems of such distressed districts; and to provide that when loans are made by one or more disbursing agents of the Government to distressed districts for refunding debts and also for repair and reconstruction purposes, all bonds so issued shall have equal priority.

. Approved January 1, 1934.

SENATE JOINT MEMORIAL NO. 6.

A Joint Memorial Addressed to the President and the Congress of the United States Requesting the Allocation of Money Appropriated by the Congress of the United States for the Civil Works Service Commission—Art Division—Acting Under the Public Works Division of the N. R. A., of the United States Government, with Which to Build a Suitable Memorial in the

EXTRAORDINARY SESSION LAWS

City of Great Falls, Montana, in Commemoration of the Artistic Works of Charles M. Russell, of Montana, the Noted Cowboy Artist.

To the President of the United States, and to the Senate and House of Representatives in Congress Assembled:

Your Memorialists, the members of the Twenty-third Legislative Assembly of the State of Montana, in Special Session assembled, the House of Representatives and the Senate concurring, hereby resolve that from the appropriation of over \$2,000,000 which has been made by the Congress of the United States in recognition of art work to the Civil Works Commission, that the sum of \$60,000 thereof, be set aside and appropriated exclusively for the erection of a suitable memorial building to the "cowboy artist" on the site of the old Charles M. Russell homestead in the City of Great Falls, State of Montana, to be known and designated as the "Charles M. Russell Memorial", in recognition of his outstanding characteristics and ability in depicting American character, history and ideals, as an artist—none of his generation being more outstanding in talents or entitled to more general recognition than he. This appropriation being requested to be authorized from the sum of \$2,000,000 heretofore appropriated for the Art Division of the Civil Works Commission of the N. R. A., in recognition of the splendid work and accomplishment of Charles M. Russell, of Great Falls, Montana, as an artist, in his lifetime. In the presentation of this Memorial for the favorable consideration of the Congress of the United States, respectful consideration is requested of the fact that the site of the old Charles M. Russell homestead located in the City of Great Falls, Montana, the home of our cowboy artist, and wherein most of his work of merit, entitling him to distinction and national renown was executed, has been purchased by the City of Great Falls, at its own cost and expense, the title to which is clear and free from encumbrance.

NOW THEREFORE: In view of the fact that this is the one and only recognition requested on the part of the citizens of the State of Montana, in recognition of the outstanding ability, nationally, of its distinguished and nationally known artist, who happens to be a citizen of the State of Montana, that the allocation of \$60,000, be authorized and approved.

Approved January 16, 1934.

SENATE JOINT MEMORIAL NO. 7.

A Memorial Memorializing the Congress of the United States for a Grant of Lands for Public Buildings at the Capitol of the

TWENTY-THIRD LEGISLATIVE ASSEMBLY

State, in Addition to Grants Heretofore Made for That Purpose.

To the Honorable Senate and House of Representatives in the Congress of the United States:

WHEREAS, by Senate Joint Memorial Number 6, passed by the Twenty-second Session of the Legislative Assembly of the State of Montana, the Congress of the United States was memorialized as follows:

“WHEREAS, the grants of public lands for public buildings at the Capitol of the state heretofore made have been found to be insufficient to meet the present needs and requirements, and

“WHEREAS, the Twenty-first Legislative Assembly authorized the issuance of a bond issue of Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars, for the purpose of erecting and furnishing a suitable Montana State Historical Library as an adjunct to the State Capitol Building, and

“WHEREAS, the State Board of Examiners have been unable to sell or dispose of said bond issue, owing to the insufficiency of the security guaranteeing said issue, and

“WHEREAS, the security guaranteeing the said issue consists of the land heretofore granted for buildings at the Capitol, against which there is outstanding bonds aggregating various amount which exhausts said security, and

“WHEREAS, there is remaining in the State of Montana approximately seven million acres of vacant, unappropriated, unreserved public land,

“NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, and the House of Representatives concurring that the Congress of the United States be memorialized to grant to the State of Montana two hundred fifty thousand acres of vacant unappropriated, unreserved public lands within the State of Montana for public buildings at the Capitol of the state in addition to the grants heretofore made for that purpose.

“BE IT FURTHER RESOLVED that copies of this Memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives and each of the Senators and members of the House of Representatives from Montana in Congress, and to the Secretary of the Interior”, and

WHEREAS, no action was taken by the Congress of the United States on such Memorial,

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NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, and the House of Representatives concurring, that said Memorial referred to above, heretofore passed in the year 1931, not having been acted upon, request for such grant of lands be hereby respectfully renewed.

BE IT FURTHER RESOLVED that copies of this Memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Senators and Representatives in Congress from Montana and to the Secretary of the Interior.

Approved January 16, 1934.

SENATE JOINT MEMORIAL NO. 8.

A Memorial to Congress, the Secretary of the Interior and the Director of Civil Works, Requesting Aid in the Construction of a Highway to the Lewis and Clark Caverns and the Improvement of This National Monument.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled, to the Secretary of the Interior and Director of Civil Works:

WIIEREAS, there exists in Montana one of the most marvelous natural wonders in America, the Lewis and Clark Caverns in Jefferson County, and

WHEREAS, this astonishing phenomena has been recognized by the United States Government and made a National Monument, and

WHEREAS, the public have not been able to enjoy this attraction because of the inadequate highway facilities leading to the Caverns, and

WHEREAS, this natural wonder is only three miles from two main lines of railroads and a like distance from the Yellowstone Trail, one of the main Federal highways across the state, and

WHEREAS, the Caverns are located near the Jefferson Canyon within an area unrivaled in scenic grandeur and visited by thousands of tourists annually, and within a short distance of the renowned City of Butte, the greatest mining camp in the world, and Anaconda with its mammoth smelter and reduction works, and

WHEREAS, a large amount of money has already been expended both by public and private funds to improve the Monument, and

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WHEREAS, the improvement of the highway from the Yellowstone Trail to the Caverns would make this National Monument accessible and possible of enjoyment by the public, where at present it is impossible to reach it by any form of transportation, and

WHEREAS, the construction of only three miles of highway would make the wonder available to the general public, and

WHEREAS, the construction of such a highway would offer splendid opportunity for employment under the Civil Works Program and there is a great demand for additional Civil Works Projects in the vicinity of the Caverns, and

WHEREAS, the project would be in perfect keeping with the Government policy improving National Parks, building highways and improving the National Forests for the general enjoyment of the people,

NOW, THEREFORE, BE IT RESOLVED, that the Senate with the House of Representatives concurring, respectively request the Congress of the United States, the Secretary of the Interior and the Director of Civil Works to consider an appropriation of money to construct a highway from the Yellowstone Trail Highway to the Lewis and Clark Caverns and to provide for such improvements of the Caverns as are necessary to make them easily accessible and provide accommodations for the many tourists desiring to visit them.

BE IT FURTHER RESOLVED, that copies of this Memorial be forwarded to the President of the Senate and Speaker of the House of Representatives, and each of the Senators and members of the House of Representatives from Montana in Congress, and to the Secretary of the Interior and the Director of Civil Works.

Approved January 20, 1934.

SENATE JOINT RESOLUTION NO. 1.

A Joint Resolution Requesting Honorable Harold L. Ickes, Public Works Administrator, to Allot Funds for the Broadus-Crow Agency Highway and to Direct the Construction Thereof.

WHEREAS, the Broadus-Crow Agency Highway running from Broadus, Powder River County, Montana, to Crow Agency, Big Horn County, Montana, has been accepted by the Montana State Highway Commission and the United States Department of Agriculture as a part of the Seven Per Cent Federal Highway System; and

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WHEREAS, this highway runs approximately eighty-eight miles through Federal lands, namely: the Northern Cheyenne Indian Reservation, the Crow Indian Reservation and the Custer National Forest and the remainder of twenty-two miles is Federal Aid Highway outside of any reservation; and

WHEREAS, the Indian Department and the United States Forestry Service have asked for the construction of the highway as a necessity for the proper administration of their work and the development of the Indian lands and the preservation of the forests; and

WHEREAS, this highway will open up and cause to be developed a large territory of rich agricultural, stock raising, lumber and mineral lands which has remained largely dormant because of inadequate transportation facilities, and thus will add much to the state's wealth, and help the Indians of this section to be more nearly self-supporting; and

WHEREAS, the territory to be traversed is of wonderful natural scenic beauty, and historical interest and especially attractive to tourists; and

WHEREAS, this highway shortens the distance from the Black Hills and the Central West to our National Parks by more than one hundred miles and will prove a great feeder highway, bringing in tourists in great numbers to our state;

THEREFORE BE IT RESOLVED, by the Senate of Montana, the House of Representatives concurring, that the Legislative Assembly of the State of Montana, in Special Session, hereby requests and respectfully urges the Honorable Harold L. Ickes, Public Works Administrator, to allot the necessary Federal funds for said project and to direct the Montana State Highway Commission and the Bureau of Public Roads to proceed at once under force account to begin the construction of said highway and to co-operate to the fullest extent with the Indian Department and Forestry Service in an effort to hasten the completion of the work during the coming year.

FURTHER BE IT RESOLVED, that a certified copy of this Joint Resolution be forwarded immediately by the Governor of the State of Montana to the Honorable Harold L. Ickes, Public Works Administrator, Washington, D. C.

Approved January 1, 1934.

TWENTY-THIRD LEGISLATIVE ASSEMBLY

SENATE JOINT RESOLUTION NO. 2.

A Joint Resolution Requesting Honorable Harold L. Ickes, Public Works Administrator, to Allot Funds for the Construction of a Highway Leading from the Town of Circle, in McCone County, Montana, to the Fort Peck Dam.

WHEREAS, construction of the Fort Peck Dam has been commenced, and there is no convenient highway leading to the site of said dam from the east, the southeast and the south; and

WHEREAS, such a highway, from Circle, McCone County, Montana, to the dam, which will be about sixty miles in length, will open up and cause to be developed a considerable area of rich agricultural and stock-raising lands, as well as form a connecting link on Highway No. 18 between Highway No. 10 and Highway No. 2, and will connect with the highway now being constructed and running from Roosevelt Highway at Glasgow to said dam, and

WHEREAS, the territory to be traversed by the proposed highway is of wonderful natural scenic beauty and of especial attraction and interest to tourists, and will shorten the distance for travelers from the east and south both within the State of Montana, and from the outside, and

WHEREAS, the construction of said highway will afford much relief in the form of labor for men and teams, and

WHEREAS, such highway will be of great convenience and benefit to men seeking employment in this section of the state, as well as to a great number employed at said dam, and the people generally;

THEREFORE BE IT RESOLVED, by the Senate of Montana, the House of Representatives concurring, that the Legislative Assembly of the State of Montana, in Special Session, hereby requests and respectfully urges the Honorable Harold L. Ickes, Public Works Administrator, to allot the necessary Federal funds for said highway, and to direct the Montana State Highway Commission and the Bureau of Public Roads to proceed at once, under force account to the construction of said highway and to co-operate to the fullest extent in an effort to hasten the completion of the work during the coming year.

FURTHER BE IT RESOLVED, that a certified copy of this Joint Resolution be forwarded immediately by the Governor of the State of Montana, to the Honorable Harold L. Ickes, Public Works Administrator, Washington, D. C.

Approved January 4, 1934.

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